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Evaluating the Effects of Possible Religious Incitement to Discrimination on the Human Capabilities of *Khawaja siras* in Pakistan

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ABSTRACT

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Khawaja siras across Pakistan experience inordinate economic and social exclusion, violence, and persecution due in part to widely perpetuated assumptions regarding their non-conforming gender identities and post-colonial religious and cultural mores conventionally held by much of Pakistani society. They are considered a highly disadvantaged, marginalized, and vulnerable group with limited economic and social opportunity and mobility, and ambiguous civil, political, and legal equality. This thesis will seek to interrogate and identify causal linkages that may exist between the instrumentalization of Islamic narratives to incite multifaceted forms of discrimination against *khawaja siras* in Pakistan and impediments to the achievement of their human capabilities. The thesis relies on qualitative data accrued through semi-structured, in-depth interviews with four *khawaja sira* identifying participants in Lahore, Pakistan, conducted with the aim to understand how and why they experience difference, stigma, shame, and harm. The thesis will illustrate how these experiences define the lived realities of *khawaja siras* in Pakistan and will demonstrate how these experiences can function as qualitative indicators representative of *khawaja siras*' human capabilities. This thesis is intended to build upon existing literature and data pertaining to the social and economic exclusion that *khawaja siras* in Pakistan experience.

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I. INTRODUCTION

Attempting to understand what sustains poverty and inequality requires an approach that can accommodate the analysis of a wide range of factors. What stressors contribute to the destabilization of economies and polarization of societies? How do these stressors exacerbate the economic and social exclusion of certain groups of people? How does exclusion perpetuate poverty and stall economic and human development? Searching for these answers in the Islamic Republic of Pakistan may reveal certain prevailing truths that have come to define the country and its society. Attempting to understand why the country ranks 147th in the global Human Development Index (HDI), with an HDI value of 0.55 (compared to the world average of 0.71), or why its gross domestic product (GDP) per capita was reported \$1,443.625 in 2016 (compared to the world average of \$10,192.298 in the same year), may lead to the consideration of causal links between these truths and hindrances to economic and human development that give rise to such nominal figures.¹

It is conventionally known that religious narratives are weaponized against vulnerable groups of people who exist on the margins of Pakistani society. Religious incitement to violence and discrimination may drive and enable inequalities by perpetuating the economic and social exclusion of certain demographics within the country. In this vein, religious and cultural fundamentalisms and extremisms can and should be framed as obstacles to the achievement of sustainable economic and human development. But poverty and social exclusion in Pakistan cannot be understood in isolation from its colonial history, or from attempts to erase and censure the dynamism and plurality that were core aspects of its pre-colonial history.

¹ “*Pakistan: Human Development Index (HDI)*.” Human Development Reports | United Nations Development Program. Accessed April 15, 2018. <http://hdr.undp.org/en/countries/profiles/PAK>; “*Pakistan GDP per Capita (current US\$)*.” Data | World Bank. Accessed April 15, 2018. <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=PK>.

Despite these attempts, the history of plurality in Pakistan—plurality of religion, ethnicity, language, sexuality, and gender—survived. It survived the brutality of the colonial regime’s attempt to criminalize it through the implementation of hyper-patriarchal, Victorian laws which brought about a cultural paradigm shift that would explicitly marginalize and make vulnerable certain groups of people. This history also survived more contemporary efforts towards the hegemonic imposition of fundamentalist and extremist narratives of Islam imported through agenda-driven ideological cross-fertilization with the Gulf. Such narratives have also exacerbated the marginalization and vulnerability of certain groups. Perhaps no other group better represents this history, or this marginalization and vulnerability, better than the *khawaja siras* of Pakistan.

This thesis will seek to interrogate and identify causal linkages between the instrumentalization of Islamic narratives to incite and justify multifaceted forms of discrimination against *khawaja siras* and impediments to the achievement of their human capabilities. The main methodology of the thesis—which incorporates academic articles, references to legal and political developments, civil society produced resources, and media coverage—is an interview guide developed to facilitate in-depth, semi-structured interviews with *khawaja sira* identifying individuals. The interviews were conducted with the aim to understand how and why they experience “difference, stigma, shame, and harm,” which are conventionally understood to define the lived realities of *khawaja siras* in Pakistan.²

The objectives of contemporary research studies conducted with the aim to evaluate and explain the economic and social exclusion that *khawaja siras* experience have often focused on interrogating the social interactions and economic mobility of *khawaja siras* in Pakistani society vis a vis their identity and macrosystem, heteronormative mores that marginalize and make

² S. Chelvan, “From ABC to DSSH: How to prove that you are a gay refugee?” (Free Movement, 2014). Accessed December 17, 2017. <https://www.freemovement.org.uk/from-abc-to-dssh-how-to-prove-that-you-are-a-gay-refugee/>

vulnerable actual or perceived gender nonconforming people.³ While the findings of these studies rely on analyses of quantitative and qualitative data to correlate and expound upon an array of causally linked and reinforcing stressors that perpetuate discrimination against and exclusion of *khawaja siras*—including cultural and religious stressors—they do not offer an in-depth analysis of qualitative data ascertaining possible and specific causal links between the weaponization of Islamic narratives, *khawaja siras*’ experiences of difference, stigma, shame, and harm, and their human capabilities.

To this end, this thesis is intended to build upon existing research and data pertaining to the social and economic exclusion that *khawaja siras* in Pakistan experience. The main objective of one study commissioned by the Institute for Development Studies, entitled *Living on the Peripheries: The Khawaja siras of Pakistan*, is to “form an understanding of the links between *khawaja sira* identity and experiences of social and economic exclusion.”⁴ This is central to the aims and objectives of the research that underpins this thesis, and is an understanding that provides the basis for the effort to identify potential causal links between the weaponization of Islamic narratives against *khawaja siras* and their human capabilities.

Furthermore, the findings of this thesis are intended to be framed in relation to the state's commitment to the unanimously adopted Sustainable Development Goals, particularly Goal 10 on the “reduction of inequalities within and between countries” and its target 10.3: “Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.”⁵

³ Aimen Majeedullah, “*Living on the Peripheries: The Khawaja siras of Pakistan*.” (Institute for Development Studies, 2016); “*Silent No More: Transgender Community in Pakistan, A Research Study*.” (Aurat Foundation, 2017).

⁴ Aimen Majeedullah, “*Living on the Peripheries: The Khawaja siras of Pakistan*.” (Institute for Development Studies, 2016), 8.

⁵ Target 10.3, “*Goal 10*.” Sustainable Development Knowledge Platform. (United Nations, 2015). Accessed December 17, 2017. <https://sustainabledevelopment.un.org/sdg10>

While target 10.2 is equally relevant in this regard, because of the conceptual linkages the thesis will attempt to make as well as its reliance on qualitative evidence for the evaluation of human capabilities, it will only give space to discussion of target 10.3.⁶ Specifically, the thesis will address how the indicator for this target: “Proportion of the population reporting having personally felt discriminated against or harassed within the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law,” can be adapted and expanded into a qualitatively-inclined mixed-methods interview guide that relies on experiences of difference, stigma, shame, and harm as indicators by which the hypothesized causal link between potential religious incitement to discrimination and the social and economic exclusion faced by *khawaja siras* in Pakistan can be interrogated.⁷ The ultimate intention of this thesis is to frame such discrimination against *khawaja siras*, and consequential detriment to their capabilities, as an obstacle to the achievement of sustainable development in Pakistan.

II. CONCEPTUAL FRAMEWORKS

Human Capabilities

In *Development as Capability Expansion*, Amartya Sen purports that human capabilities, including the ability to perform “elementary functionings such as escaping morbidity and mortality, being adequately nourished, undertaking usual movements etc., to many complex functionings such as achieving self-respect, taking part in the life of the community and appearing in public without shame,” among other “elements of living,” constitute metrics by which the

⁶ Target 10.2: “By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.” *Ibid.*

⁷ Target 10.3.1 (indicator), *Ibid.*; It should be noted here that prohibited grounds of discrimination, as elaborated upon by certain General Comments issued by a variety of international human rights treaty bodies, include the term “other status,” which is a catchall phrase that has been defined to include sexual orientation and gender identity. See: “*Sexual orientation and gender identity in international human rights law: The ICJ UN compilation.*” (International Commission of Jurists, 2013), 227. https://www.outrightinternational.org/sites/default/files/SOGI-UN-Compil_electronic-version.pdf

overall economic and social wellbeing of a person (i.e. their human development), can be evaluated. Sen argues that the assessment of such capabilities should be a “central part of development analysis.”⁸

A study conducted by the Williams Institute of the University of California, Los Angeles School of Law entitled *The Relationship between LGBT Inclusion and Economic Development: An Analysis of Emerging Economies* applied Sen’s understanding of human capabilities as an “approach that conceptualizes development as an expansion of freedom for individuals to make choices about what they can do and be” to the realities of economic and social marginalization and vulnerability that inordinately affect sexual and gender minorities by elaborating that “exclusion of particular groups of people, such as LGBT people, limits development by definition in the capabilities approach.”⁹

The study employs the statistical and comparative prowess of the Global Index on Legal Recognition of Homosexual Orientation (GILRHO) and Transgender Rights Index (TRI) which assign “numerical values to the level of legal recognition” of sexual orientation and gender identity across 39 countries (of which 29 are emerging economies), and chart correlated national legal shifts throughout time, e.g. introducing legal rights protections for LGBT people or repealing discriminatory laws.¹⁰ The study also incorporates existing development indices such as GDP per capita and the HDI, conceptualizing them in tandem with the GILRHO and the TRI to “demonstrate close connections between LGBT rights and economic development on both an

⁸ Amartya Sen, “*Development as Capability Expansion*.” (Human Development and the International Development Strategy for the 1990s, 1990), 44-54.

http://morgana.unimore.it/Picchio_Antonella/Sviluppo%20umano/svilupp%20umano/Sen%20development.pdf

⁹ M.V. Lee Badgett et al., “*The Relationship Between LGBT Inclusion and Economic Development: An Analysis Of Emerging Economies*.” (The Williams Institute, 2014), 17. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/lgbt-inclusion-and-development-november-2014.pdf>

¹⁰ *Ibid*, 29-32.

individual level (a ‘microeconomic’ perspective) and at a larger economy-wide level (a ‘macroeconomic’ perspective).”¹¹

Regarding the individual (microeconomic) perspective, the study explicitly attributes mutually reinforcing aspects of the economic and social exclusion experienced by sexual and gender minorities (and thus inhibited human capabilities) to persecution, discrimination, and rights violations carried out by both state and non-state actors on the basis of actual or perceived sexual orientation, gender identity, and expression.¹² This integral aspect of the study necessarily “focuses on the experiences of LGBT individuals and defines inclusion as the ability to live one’s life as one chooses, [while] identifying barriers to freedoms for LGBT people that can influence economic development.” Regarding State (macroeconomic) perspectives, the study “defines inclusion as the legal rights of LGBT people... [and] economic development [as] the broad macroeconomic outcome, measured for each country by per capita GDP and the HDI. The simplest correlation shows that one additional right in the GILRHO (out of eight rights included) is associated with \$1,400 more in per capita GDP and with a higher HDI value.”¹³

The scope of this thesis does not permit an in-depth explanation of the complex and technical statistical modalities the study employs to reach the figures it presents. Succinctly, by

¹¹ “The HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. HDI is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. The HDI is the geometric mean of normalized indices for each of the three dimensions. The health dimension is assessed by life expectancy at birth, the education dimension is measured by mean of years of schooling for adults aged 25 years and more and expected years of schooling for children of school entering age. The standard of living dimension is measured by gross national income per capita.” *Human Development Index (HDI)*. Human Development Reports | United Nations Development Program. Accessed April 15, 2018.

<http://hdr.undp.org/en/content/human-development-index-hdi>; M.V. Lee Badgett et al., *supra* 9 at 5.

¹² “This study finds that in many countries, LGBT people commonly face exclusion from schools, jobs, and health care, and are subject to other harms, like violence and police abuse. All of these harms are human rights violations. In addition to violating human rights, depriving LGBT people of the ability to fully function in society means creating a group of individuals with low levels of educational attainment, productivity, life expectancy, and personal income, all of which are key factors in economic development.” M.V. Lee Badgett et al., *supra* 9 at 6.

¹³ *Ibid*, 1-2.

synthesizing analyses of legal rights protections, HDI, and per capita GDP across the sampled countries, the study suggests that a positive correlation can be observed between legal equality and provision of rights for sexual and gender minorities and higher “economic development measures.”¹⁴ The study also emphasizes that proactive anti-discrimination laws and policies—such as specific economic and social protection floors for sexual and gender minorities—“have an especially strong correlation with GDP per capita.”¹⁵ Acknowledging its limitations, the study proposes more data be accrued to firmly cement a causal link between discrimination faced by individuals on the basis of actual or perceived sexual orientation, gender identity, and expression, and micro- and macroeconomic development.

While the thesis will devote space for discussion of *khawaja sira* identity, culture, and rights gains vis a vis contemporary trans* identity and rights movements in Pakistan, it should be mentioned here that rights claims made by individuals who identify as *khawaja sira* and subscribe to *khawaja sira* culture are necessarily informed by certain relational and behavioral expectations associated with membership in *khawaja sira* community.¹⁶ Consequently, frameworks and definitions employed by some states, rights institutions, and civil society actors to promote and advocate legal recognition and rights protections for LGBT people internationally may not necessarily apply or be equivalent in nature and effect to the identity and rights claims *khawaja siras* make for themselves or to the rights provisioned for them in Pakistan. This raises an issue

¹⁴ *Ibid*, 2.

¹⁵ “Social protection floors are nationally defined sets of basic social security guarantees that should ensure, as a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level.” “*Social Protection Floor (SOCPRO)*.” International Labor Organization. Accessed April 15, 2018. <http://www.ilo.org/secsoc/areas-of-work/policy-development-and-applied-research/social-protection-floor/lang--en/index.htm>; “The importance of nondiscrimination laws could be related to their stronger connection to the treatment of LGBT people in the workplace and other settings that have direct economic relevance.” M.V. Lee Badgett et al., *supra* 9 at 3.

¹⁶ For the purpose of this thesis, ‘trans*’ is used to describe individuals who identify as transgender and/or transsexual. ‘Khawaja sira’ is commonly used both as a noun to denote a specific person and as an adjective to describe the specific identity and culture to which that person subscribes.

regarding the application of the GILRHO and TRI the study relies upon to the past and current status of rights for *khawaja siras* in Pakistan and thus the conceptual linkages made between the achievement of their capabilities and macro-economic development.

Nonetheless, *khawaja siras* constitute a group of people marginalized in Pakistan due in part to their gender identity. For this reason, the human capabilities approach to development provides the thesis with the conceptual foundation for contending that *khawaja siras*' experiences of difference, stigma, shame, and harm constitute relevant metrics for the evaluation of their capabilities and economic and social inclusion, as well as for the holistic implementation and evaluation of the Sustainable Development Goals, particularly Goal 10. The thesis will go further to consider if and how religious narratives—Islamic narratives in this context—have been instrumentalized to justify the perpetuation of difference, stigma, shame, and harm against *khawaja siras*, which in turn sustain and exacerbate the social and economic exclusion they experience as a result.

Difference, Stigma, Shame, and Harm.

Developed by S. Chelvan, the difference, stigma, shame, and harm model, endorsed by the United Nations High Commissioner for Refugees Office in the 2012 *Guidelines for International Protection NO. 9*, provides a more ethical and comprehensive method for assessing the credibility of asylum claims on the basis of sexual orientation, gender identity, and expression.¹⁷ The method is intended to replace intrusive and rights violating vetting practices or requirements to ascertain asylees' sexuality or gender identity for the purpose of granting asylum.

¹⁷ "Credibility and Establishing the Applicant's Sexual Orientation and/or Gender Identity" "*Guidelines on International Protection NO. 9*." (United Nations High Commissioner for Refugees, 2012), 15.
<http://www.unhcr.org/509136ca9.pdf>

It is necessary here to present the definitions of difference, stigma, shame, and harm, as conceived by Chelvan before expounding upon the model's utility to the thesis.

Chelvan purports that certain experiences of difference from or aversion to “heteronormative narratives” manifest in the lives of most LGBT people.¹⁸ Generally, these experiences are of “self-recognition of difference from peers, gradual recognition of attraction to the same-sex, potential engagement in same-sex conduct, gradual recognition of gender difference... and the development of gender roles, and group differentiated identification, recognition and association with other [LGBT people], or the ‘other.’”¹⁹

Experiences of stigma are defined as resulting from “the recognition that [an individual's] difference is not accepted by society.”²⁰ This includes an individual's “recognition that close family members, friends... and the ‘majority’ disapprove of [their] conduct/identity, and recognition of state, cultural, and religious mores/laws which are directed at sexual and gender minorities.” Chelvan contends that experiences of stigma are fundamentally bound to prevailing macrosystem attitudes and worldviews that reproduce and sustain “social, cultural, religious norms, be they through family and neighbors, to religious and political leaders,” and which elicit feelings of otherness in sexual and gender nonconforming people. Shame is defined as the “natural consequence of stigma, and constitutes “feelings associated with isolation, and of being ‘other’ rather than the same.”²¹

The threat of harm is determined by, among other criteria, feelings of risk or “well-founded fears of state harm [through] arrest, detention, or torture due to criminalization of same-sex

¹⁸ “Recognition of a date years before any sexual attraction or sexual conduct where [an individual realizes] that they did not fit in with other girls or other boys around them.” *LGBTI Asylum Claims – the Difference, Stigma, Shame, Harm Model*. Legal Updates: Right to Remain, 2014. Accessed April 15, 2018.

<http://www.righttoremain.org.uk/legal/lgbti-asylum-claims-the-difference-shame-stigma-harm-model/>

¹⁹ S. Chelvan, *supra* 2.

²⁰ “*LGBT Asylum Claims*,” *supra* 18.

²¹ S. Chelvan, *supra* 2.

relations or sexual activity, and risk of persecution from non-state agents or community members, such as mob violence.” Chelvan elaborates that harm “might arise because [an individual’s] sexuality is known, or it may simply arise from the perception that [an individual does] not conform.” This point is the main crux of Chelvan’s model: that an individual making a claim for asylum on the basis of actual or perceived sexual orientation, gender identity, or expression “does not conform to a stereotype of heteronormative conduct held by potential persecutors,” and is thus exposed to higher risks of harm than others in their society.²²

On the relevance and utility to this thesis, the difference, stigma, shame, and harm model is uniquely poised to be adapted so that each individual component can serve as a qualitative indicator by which specific and respective experiences can be evaluated while interrogating whether Islamic narratives sustain or contribute to the social and economic exclusion of *khawaja siras* in Pakistan. Essentially, the thesis utilizes this model to facilitate the production and evaluation of qualitative evidence regarding the general wellbeing and capabilities of *khawaja siras* in Pakistan. This understanding and adaption of the difference, stigma, shame, and harm model relies upon Sen’s premise that, in relation to economic and human development, “an evaluation of a person’s wellbeing has to take the form of an assessment of these... elements of living.”²³

This approach to producing and evaluating the qualitative evidence in question necessitates a structure within which experiences of difference, stigma, shame, and harm can be contextualized and organized. Ecological systems theory, as conceived by the late developmental psychologist Urie Bronfenbrenner, provides a conceptually relevant and viable framework upon which the

²² “*LGBT Asylum Claims*,” *supra* 18.

²³ Amartya Sen, *supra* 8 at 44.

identification of trends and patterns regarding *khawaja siras*' experiences of difference, stigma, shame, and harm can be made.

Ecological Systems Theory

Bronfenbrenner defines ecological systems theory as “the scientific understanding of the forces shaping the development of human beings in the environments in which they live.”²⁴ He posits that an individual’s human development is contingent on positive or negative outcomes of that individual’s interactions within specific environments, claiming that these interactions are defined by interrelating and causally linked events, processes, and systems of belief occurring and being reproduced in specific but interacting ecological systems. He describes these ecological systems as “conceived topologically as a nested arrangement of concentric structures, each contained within the next. These structures are referred to as the micro-, meso-, exo-, and macrosystems.”²⁵

The application of this framework will facilitate the “detection of wide-ranging developmental influences” and will allow for the interrogation and analysis of the interactions of *khawaja siras* within specific ecological environments to see if the weaponization of Islamic narratives effects the extent of their human capabilities.²⁶ It is necessary to present the basic concepts and definitions of each of these ecological systems before expounding more upon their relevance and utility to the thesis.

Microsystems are defined as “patterns of activities, roles, and interpersonal relations immediately experienced by a developing person in a given setting.” Bronfenbrenner elaborates on the definition of roles: “a set of behaviors and expectations [of an individual] associated with a

²⁴ Urie Bronfenbrenner. “*Ecology of Human Development: Experiments by Nature and Design*.” (Cambridge: Harvard University Press, 2009), 15.

²⁵ *Ibid*, 22.

²⁶ *Ibid*, 4.

position in society.” Recalling that an individual’s interactions with their environment can yield positive or negative outcomes, and recalling the definition of stigma provided by S. Chelvan above, one can posit that if an individual differs or does not conform to prescribed roles—be they religious, sexual, or gender—their microsystem interactions may yield more negative outcomes. Such outcomes could include exclusion, persecution, violence, and general diminishing of human capabilities which arguably coincide with experiences of difference, stigma, shame, and harm. Bronfenbrenner places particular importance on such microsystem experiences, as well as on how individuals perceive and interact with their environment and argues that such information is critical to the study of human development.²⁷

The mesosystem is defined as “interrelations among two or more environments in which an individual actively participates (such as the relations among the home and family, school, peer group, work, and/or social life).” A mesosystem can thus be conceived as a “system of microsystems formed or extended whenever an individual moves into a new environment.” Furthermore, interrelations between different environments can also take the form of “the extent and nature of knowledge and attitudes” of individuals existing in one environment about individuals existing in another.²⁸

The assumption of interrelations between different ecological systems is particularly useful when analyzing and interrogating causal linkages between macrosystem, heteronormative cultural mores, the weaponization of Islamic narratives against *khawaja siras* due to their gender nonconformity, their experiences of difference, stigma, shame, and harm, and potentially negative outcomes of their microsystem interactions and diminished human capabilities.

²⁷ *Ibid*, 22.

²⁸ *Ibid*, 25.

Bronfenbrenner refers to the exosystem as “one or more environments that do not involve the individual as an active participant, but in which events occur that affect, or are affected by, what happens in the environment containing that individual.”²⁹ This understanding of the exosystem relies upon the establishment of causal links and sequences among interactions or processes in external environments (i.e. environments in which an individual is not actively participating) with interactions or processes occurring within an individual’s microsystem. Furthermore, these causal links and sequences are reinforcing and operate bidirectionally, meaning that an individual’s microsystem interactions may permeate up to and reinforce the macrosystem, which is defined as the “complex of nested, interconnected systems viewed as a manifestation of overarching patterns of ideology and organization of the social institutions common to a particular culture.”³⁰

The macrosystem also refers to specific ideological and belief-driven consistencies that provide for the cultural “contexts that influence an individual’s development.”³¹ The main premise here is that macrosystem attitudes, religious beliefs, and widely held cultural mores—including societal assumptions about specific groups of people which may in effect mark them as different, or ‘other’—are causally linked to and affect the microsystem interactions of individuals.

Ecological systems theory is a complex human development paradigm. In summary, the application of this framework facilitates the interrogation and conceptualization of qualitative evidence that may point to the existence of causal links between the weaponization of Islamic narratives, macrosystem, widely-held cultural beliefs and assumptions regarding *khawaja sira* identity and culture, negative outcomes of *khawaja siras*’ microsystem interactions and their

²⁹ *Ibid*, 25.

³⁰ *Ibid*, 8.

³¹ *Ibid*, 237.

diminished human capabilities. The thesis will present evidence that shows their microsystem interactions are defined by physical, verbal, or sexual abuse by immediate and extended family members in the home, being prohibited by the family from attending school for preservation of family honor, being kicked out of the home, and seeking income through begging due to exclusion in the formal work sector, among other negative outcomes.³²

What is the purpose of accruing qualitative evidence to establish these causal links? Furthermore, what do these causal links tell us about the human capabilities of a person, and what factors influence those capabilities? If, as Bronfenbrenner put it, “public policy has the power to affect the well-being and development of human beings by determining the conditions of their lives,” one can argue that accruing such qualitative data is necessary to holistically understand and address every last driver and enabler of marginalization, vulnerability, and economic and social exclusion in the effort to propel sustainable economic and human development.³³ Framing the accrual of such data as an essential component of sustainable development analysis may also present opportunities for strategically advocating for the elimination of discriminatory laws, policies, and social practices, as well as the implementation of inclusive economic and social policies. Understanding how these conceptual frameworks can be applied to the Sustainable Development Goals—particularly implementation and evaluation of Goal 10 and its targets on reducing inequalities—may also help facilitate the respect, protect for, and fulfillment of Pakistan’s economic and social human rights obligations for all of its citizens, including *khawaja siras*.

³² Evidence presented and analyzed in the Interview Findings section.

³³ Urie Bronfenbrenner, *supra* 24 at xiii-xiv.

Goal 10 and the Sustainable Development Goals

It is necessary to conceptualize the Sustainable Development Goals as a framework by which the social and economic inclusion and rights of sexual and gender minorities can be achieved and sustained. Such an approach provides practical impetus to the conceptual frameworks outlined above and allows for the application of a rights-based development paradigm that eschews contentious approaches to civil and political identity politics in favor of universal economic and social development priorities that all states have committed to nationalize and holistically implement.

The Institute of Development Studies' Sexuality, Poverty, and Law Program commissioned a meta-analytical study of twelve individual research projects spanning twelve different countries in Africa, Asia, and Latin America for the purpose of "documenting the impact of discriminatory laws and policies on the lives and livelihoods of people marginalised on the basis of their gender identity and/or sexuality." The meta-analysis yielded certain cross-cutting codes that emerged in each individual study regarding "economy, employment, and livelihoods [of sexual and gender minorities], patriarchy and gender norms, and religion, power, and the state."³⁴ The study went further "to examine linkages between [specific Sustainable Development Goals] and the overall findings of the meta-analysis" by thematically mapping seven themes with 12 of the 17 Sustainable Development Goals. Three of these seven themes, namely "heteronormativity, education and livelihood opportunities, and reforming societal attitudes" are relevant to the conceptual linkages being made in this thesis and correspond directly to Goal 10: "If social protection policies fail to encompass gender and sexually non-conforming individuals, such

³⁴ Aimen Majeedullah et al, "*Gender, Sexuality and the Sustainable Development Goals: A Meta-Analysis of Mechanisms of Exclusion and Avenues for Inclusive Development*" (Institute for Development Studies, 2016), 4-7. https://www.researchgate.net/publication/312290940_Gender_Sexuality_and_the_Sustainable_Development_Goals_A_Meta-Analysis_of_Mechanisms_of_Exclusion_and_Avenues_for_Inclusive_Development

persons may be rendered more susceptible to poverty through unequal access to opportunities – thereby impeding the full achievement of Goal 10.” Furthermore, the study contends that reforming societal attitudes constitutes a thematic priority area “that ties to the Sustainable Development framework as a whole, as pervasive discriminatory social attitudes tend to be embedded in various economic, social, and political structures—all of which prove to be a hindrance to inclusive development.”³⁵

In addition to the Institute for Development Studies meta-analysis, a briefing produced by Stonewall, an LGBT rights advocacy group based in the UK, entitled *The Sustainable Development Goals and LGBT Inclusion*, provides a comprehensive, accessible, and advocacy-oriented presentation of some more thematic linkages between the rights of sexual and gender minorities and the Sustainable Development Goals. This study stipulates that governments and civil society should prioritize research that leads to “better understandings of how LGBT people are discriminated against economically,” which, as the meta-analysis above affirms, must necessarily include the holistic assessment of the experiences of sexual and gender nonconforming people for the holistic achievement of the Sustainable Development Goals.³⁶

The thesis will not provide an analysis of all specific goals and targets of the Sustainable Development agenda that thematically link to the respect for, protection, and fulfillment of the rights of sexual and gender minorities. But it must be understood that the implementation and

³⁵ “Heteronormativity: this theme speaks to the encoding of heteronormativity in law, policies and practices – which creates gaps in service delivery to [sexual and gender nonconforming] individuals and structurally deepens the discrimination experienced by these individuals. Education and livelihood opportunities: this theme discusses that in order to fully understand the economic lives of [sexual and gender nonconforming] individuals, their experiences within education systems and labour markets must also be analysed. Reforming societal attitudes: through this theme we explore how policies and laws aiming to enhance the rights of gender and sexual minorities are rendered blunt and incomplete without addressing the societal attitudes and social practices responsible for perpetuating discrimination against [sexual and gender nonconforming individuals] at the community level.” *Ibid*, 7-15.

³⁶ Kit Dorey. “*The Sustainable Development Goals and LGBT Inclusion*.” International Resources. (Stonewall, 2016), 2. https://www.stonewall.org.uk/sites/default/files/sdg-guide_2.pdf

evaluation of every goal and target of the Sustainable Development agenda are interdependent and interlinked, and this allows for the opportunity to explore how an indicator for one target can be adapted to and supplement the evaluation and implementation of another.

In theory, what this means is that the indicator for target 10.3—meant to qualitatively measure “how well non-discriminatory laws and policies are applied in practice based on personal experience rather than perception to ensure greater validity of data”—has the potential to be utilized as a metric for the evaluation of Goal 1 and its targets on the eradication of poverty.³⁷ Going further, one can argue that such qualitative evidence needs to inform and undergird policies that lift people out of poverty by addressing the root causes of their social and economic and exclusion, and thus diminished human capabilities.

This essential premise serves as the common ground, so to speak, upon which the conceptual frameworks presented thus far meet. The next section will expound upon the thesis’ research methodology, specifically how the rationale behind the indicator for target 10.3 was interpreted and adapted to provide the conceptual blueprint for an interview guide that conceives experiences of difference, stigma, shame, and harm as the individual but interdependent indicators by which the social and economic exclusion of *khawaja siras* in Pakistan can be qualitatively analyzed, and which simultaneously sought to explore the possibility of causal links between the weaponization of Islamic narratives against *khawaja siras* and diminished human capabilities.

³⁷ Target 10.3.1 (indicator), “Goal 10,” *supra*, 5; “Compilation of Metadata Received on Indicators for Global Monitoring of the Sustainable Development Goals and Targets.” (United Nations Statistical Commission, 2015), 260. <https://unstats.un.org/sdgs/files/Metadata%20Compilation%20for%20SDG%20Indicators%2023%20October%202015%20Update.pdf>; Goal 1: “End poverty in all its forms everywhere.” “Goal 1” Sustainable Development Knowledge Platform. (United Nations, 2015). Accessed April 15, 2018. <https://sustainabledevelopment.un.org/sdg10>.

III. METHODOLOGY

In the effort to synthesize the conceptual frameworks presented, an interview guide was developed for the purpose of yielding evidence regarding what factors drive and sustain the economic and social exclusion, and thus diminished human capabilities, of *khawaja siras* in Pakistan. To this end, the interview guide relies upon predominantly open-ended questions meant to solicit information regarding specific experiences of difference, stigma, shame, and harm, which constitute assessments of an individual's human capabilities as argued above.

Ecological systems theory provides the structure within which these experiences can be contextualized to help aide in the identification of trends and patterns that emerge among participants' responses and allows for the concurrent interrogation of whether Islamic narratives influence the outcomes of their microsystem interactions. Essentially, the application of this framework facilitates the examination of qualitative information gleaned from interview participants regarding what factors cause them to experience difference, stigma, shame, and harm, while conceptually correlating these factors and experiences to their human capabilities potentials.

This interview guide was used to conduct semi-structured, in-depth interviews with four individuals in Lahore, Pakistan, who identify as *khawaja sira* and trans* women. The participants were sampled through initial contact with advocates and researchers working for a rights and advocacy group in Lahore that offers sexual health and educational services for men who have sex with men and trans* individuals across the country.

The interview questions themselves were adapted from a guide produced by the Kaleidoscope Australia Human Rights Foundation for the purpose of "providing reliable information regarding what constitutes best practice in determining refugee status based sexual

orientation, gender identity, or intersex grounds.”³⁸ Section 4 of this guide provides a template that illustrates how the difference, stigma, shame, and harm model can inform appropriate interview questions that solicit qualitative information on specific experiences of violence and exclusion that define the realities of asylum-seeking sexual and gender minorities. These interview questions were adapted and supplemented with specific qualifiers for the purpose of soliciting information regarding possible religiously-instigated experiences of difference, stigma, shame, and harm, as well as to solicit responses that may provide an evidence base for the assertion that the weaponization of Islamic narratives is causally linked to the social and economic exclusion that *khawaja siras* in face in Pakistan.

Before presenting and analyzing the findings of the interviews, a brief demographic introduction and description of recent *khawaja sira*/trans* rights gains in Pakistan will provide the thesis context regarding their status in Pakistani society historically and contemporarily.

IV. KHAWAJA SIRAS IN PAKISTAN

Identity

Conceptions of *khawaja sira* identity are incredibly complex, polysemous, and perhaps entirely subjective in nature. This thesis does not have the scope to address all these complexities, including hierarchal tiers of sexual and gender sub-identities that are intrinsic facets of *khawaja sira* culture. Many of these sub-identities are contingent upon what kind of sex acts an individual engages in, whether an individual has undergone surgeries to remove or alter their sexual organs, and how an individual presents their gender.³⁹

³⁸ “Looking Through the Kaleidoscope: A Guide to Best Practice in Determining Applications for Refugee Status Based on Sexual Orientation, Gender Identity, and Intersex Grounds.” (Kaleidoscope Australia Human Rights Foundation, 2016), 3. <http://www.kaleidoscopeaustralia.com/lgbtirefugees>

³⁹ “Chapter 3 – The Khawaja Sira Universe,” Faris A. Khan. “*Khawaja Sira: Culture, Identity Politics, And ‘Transgender’ Activism In Pakistan.*” (PhD diss., Syracuse University, 2014), 59-104.

Instead, the thesis will present certain understandings and definitions of the term ‘*khawaja sira*’ commonly employed in research about *khawaja sira* identity and culture. Such definitions include the “respectful Urdu term for *hijra*, transgender woman, or eunuch.”⁴⁰ *Hijra* is a more colloquial term, perceived by some to be derogatory yet still used to describe indigenous South Asian trans* or thirdgender individuals and identities. It is understood to be interchangeable with ‘*khawaja sira*’ and is a term many *khawaja siras* use to describe themselves. There is a major disparity, however, between the lexical utility of the terms, as ‘*khawaja sira*’ is understood to be “devoid of the negative connotations entailed by words like *hijra*.”⁴¹ Definitions of ‘*khawaja sira*’ may also include “intersex and transsexual,” the former culturally and historically conceived in Pakistan as thirdgender, or neither male or female. Regarding sexuality, “[*khawaja siras*] do not consider themselves homosexual because they possess the ‘soul’ of a woman and are attracted to men, who for them are the opposite [or another] sex.”⁴²

The studies sourced here, which include ethnographic works and assessments of *khawaja siras*’ economic and social inclusion, ground these definitions in primary and qualitative information obtained from research conducted with *khawaja sira* participants in Pakistan. Collectively, their findings provide elaborations of subjective *khawaja sira* identity that point to a common understanding: ‘*khawaja sira*’ can refer to an individual who was assigned male sex at birth and who adopts “a burlesque femininity, incongruous to conventional female demeanor.”⁴³ Additionally, more contemporary understandings are inclusive of individuals whose identities “or

⁴⁰ “*Silent No More: Transgender Community in Pakistan, A Research Study*.” (Aurat Foundation, 2017), XII. http://pdf.usaid.gov/pdf_docs/PBAAF371.pdf

⁴¹ Faris A. Khan, *supra* 39 at 62-63.

⁴² Aimen Majeedullah, *supra* 4 at 18.

⁴³ Claire Pamment. “*Hijraism: Jostling for a Third Place in Pakistani Politics*.” *The Drama Review*, 54, no.2 (2010), 30. Project MUSE.

practices cross over, cut across, move between, or otherwise queer socially constructed sexual and gender boundaries.”⁴⁴

In *Khawaja Sira: Culture, Identity Politics, And ‘Transgender’ Activism In Pakistan*, Faris A. Khan explains that narrower interpretations of the term propagated within Pakistani society confine the “definition of ‘*khawaja sira*’ [to only] an intersexual person.” This “dominant view privileging genitalia over interiorized gender in determining whether a person is a man, woman or intersexual” is shared by elder *gurus* in the *khawaja sira* community who assert that only “naturally born” intersex individuals are true *khawaja sira*.⁴⁵ Furthermore, there are individuals associated with a specific *khawaja sira* sub-identity, who, in their attempt to become true *khawaja siras*, undergo castration. One can posit that these interpretations of ‘*khawaja sira*’ are rooted in the historical and cultural conceptualization and conflation of contemporary understandings of intersex status with understandings of eunuch and thirdgender in pre-colonial, Mughal South Asia. In fact, ‘*khawaja sira*’ was “conferred as a title of honor upon the eunuchs who served in Mughal courts.”⁴⁶ This is also an understanding of *khawaja sira* identity that has had far reaching legal, civil, political, and even religious implications in Pakistan, and which has been grounds for intracommunal debates and conflicts. But by no means are all *khawaja sira* identifying individuals intersex or eunuch.⁴⁷

⁴⁴ “*Silent No More*,” *supra* 40 at 1.

⁴⁵ Faris. A. Khan, *supra* 39 at 109-120.

⁴⁶ *Ibid*, 62-63.

⁴⁷ “With the increase in the regional use of the word ‘transgender’ as a noun, and its common usage in the non-profit sector, it is considered as a literal translation of ‘hijra’ and ‘khawaja sira’. This confounding of the terms is further aggravated by [the societally propagated] understanding that all *hijras* are intersex individuals. [Khawaja sira self-perception] as ‘being born this way’ is interpreted [in Pakistani society] as ‘being born intersex’. [This is] an incorrect and misleading social narrative [stipulating] that transgender individuals are [*khawaja siras*], and that all [*khawaja siras*] are born intersex”. “*Silent No More*,” *supra* 40 at XIV-24.

In contradiction to its function as “as highly contested and often confusing” marker of “different personalities, sexual needs, and gender identities,” the term is used almost exclusively to describe individuals who subscribe to the *guru* (teacher) *chela* (student) system—an essential facet of *khawaja sira* culture.⁴⁸ *Gurus* can be viewed as great maternal figures and mentors to many *chelas* who rely on them for guidance and orientation to the “norms, mores, values, rituals, and traditions [of *khawaja sira* culture].”⁴⁹ *Gurus* also often provide shelter, security, sustenance, and, perhaps most importantly, kinship and community to *chelas*, who before entering *khawaja sira* culture, are often cut off from their biological families and marginalized in society for their effeminate gender expression.⁵⁰

In return, *chelas* often allocate a sum of their income from their work for payment to their *guru*, who may or may not dictate what kind of work their *chelas* can engage. Some rights groups in Pakistan view this practice as exploitative of younger *khawaja siras*, while proponents of the system have said this is akin to a child sending remittances back to their family (a customary practice in many South Asian households). Nonetheless, certain groups have sought to incorporate clauses in the Transgender Persons (Protection of Rights) Bill 2017 (unanimously passed by Pakistani Senate and National Assembly in 2018, more on the Act and other contemporary rights gains later), that would criminalize these aspects of the *guru-chela* system and thus implicate the *khawaja siras* who subscribe to them.⁵¹

The perspective that the *guru-chela* system can be exploitative of younger *khawaja siras* or trans* women alludes to a broader and seemingly intergenerational “clash between trans*

⁴⁸ Faris. A. Khan, *supra* 39 at 62; Claire Pamment, *supra* 43 at 31.

⁴⁹ “*Silent No More*,” *supra* 40 at XIV.

⁵⁰ Claire Pamment, *supra* 43 at 30.

⁵¹ Nadir Guramani. “Senate unanimously approves bill empowering transgenders to determine their own identity.” (Dawn News, 2018). <https://www.dawn.com/news/1393766>; Nadir Guramani. “National Assembly passes bill seeking protection of transgender rights.” (Dawn News, 2018). <https://www.dawn.com/news/1406400>

women and *khawaja siras*” in Pakistan regarding “young Pakistanis who don’t identify with the gender assigned to them at birth [and who] assert themselves as transgender but not *khawaja sira*.”⁵² It is a clash that may have become more pronounced as legal recognition and protection of identity, of civil and political rights, and of the economic and social wellbeing of trans* and *khawaja sira* identifying individuals began to be achieved. Qasim Iqbal, executive director of Naz Male Health Alliance which is a civil society rights and advocacy group that offers health services and consultations for men who have sex with men and trans* women in Pakistan, offers a perspective in the New York Times: “While the *guru* system has its benefits and definitely provides protection, some young educated people—especially those with access to social media, who are working closely with rights groups and are more aware of their own rights—they are starting identify less with the *khawaja sira* culture and more with a trans* identity.”⁵³

One *chela* of a prominent *guru* in Karachi offers this perspective regarding trans* women in Pakistan on Public Radio International: “If you don’t have a *guru*, we don’t recognize you. These people who say they are transgender; that concept is just wrong... They can never be women. They cannot give birth. Even if they change their bodies they can’t change who they are. We are not women. We are what Allah has made.”⁵⁴

Others offer the perspective that subscription to globalized trans* identities divorced from *khawaja sira* culture can “be characterized by differences in education, language and age,” and that “in Pakistan at least, entrance [into the *khawaja sira* community] remains tied to class.”⁵⁵ This

⁵² Mobeen Azhar. “Pakistan’s Traditional Third Gender Isn’t Happy With The Trans Movement.” (Public Radio International, 2017). <https://www.pri.org/stories/2017-07-29/pakistans-traditional-third-gender-isnt-happy-trans-movement>

⁵³ Mehreen Zahra Malik. “Transgender Pakistanis Win Legal Victories, but Violence Goes On.” (The New York Times, 2017). <https://www.nytimes.com/2017/08/19/world/asia/pakistan-transgender-bill.html>

⁵⁴ Mobeen Azhar, *supra* 52.

⁵⁵ *Ibid*; Claire Pamment, *supra* 43 at 31.

is a perspective shared by some individuals who identify as trans* women, and who, “ashamed to call themselves *khawaja sira*, underscore the difference in class and level of modernity between them and ordinary *khawaja siras*.” Still, even if trans* identities do not “capture the [socioeconomic], sociocultural, or corporeal disparities” very much associated with *khawaja sira* identity, the assertion that “the longstanding acceptance of the *Khawaja sira* culture in mainstream Pakistan offers transgender women an umbrella of protection” may have some veracity given Pakistan’s pre-colonial cultural and historical legacies.⁵⁶ In *Transgender Rights in Pakistan?: Global, Colonial, and Islamic Perspectives*, Jeffrey A. Redding suggests that “contemporary gender developments in Pakistan are more siloed and less obviously ‘inter-cultural’ ... challenging any easy characterization of [these] developments as pertaining to liberal notions of ‘transgender rights.’” He posits that, consequentially, the “[trans*] rights issues that have captivated [the West] seem to have little in common with the issues of access to education, jobs, the franchise, and inheritance/property rights that have been a prominent part of the recent Pakistani conversation.”⁵⁷

Discussing some of the historical and cultural particularities of South Asia—particularities that have shaped, and maybe siloed, trans* and *khawaja sira* gender identity and rights claims developments in Pakistan—will suffice to better flesh out the sociocultural nuances that are so intrinsic and relevant to understanding *khawaja sira* identity, culture, their proud historical legacies, their recent rights gains and achievements, and their contemporary social and economic status.

⁵⁶ Faris A. Khan, *supra* 39 at 68-132; Mobeen Azhar, *supra* 54.

⁵⁷ Jeffrey A. Redding. “*Transgender Rights in Pakistan?: Global, Colonial, and Islamic Perspectives*.” *Human Rights in Translation: Intercultural Pathways* (Michal Rozbicki ed., 2016), 14-18.
<https://ssrn.com/abstract=2837520>

When discussing the history of *khawaja siras* in Pakistan, one typically starts with the Mughal empire (c. 1526–1857 CE) of pre-partition India. *Khawaja siras* “have been part of the [Indian] sub-continent’s history for centuries, and served as army generals, harem guards, and advisers to [Mughal] emperors.”⁵⁸ *Khawaja siras* have “made significant contributions to art, music, and poetry” and to this day are ascribed a particular closeness with God that people believe “bestows them with the unique ability to bring good fortune and fertility.”⁵⁹

Most contemporary *khawaja siras* in Pakistan (though perhaps not younger generations) “trace their own history to the eunuchs (*khawaja siras*) who are known to have enjoyed esteem in the Delhi Sultanate (1206–1526) and Mughal courts.” Serving “prominently as political functionaries performing sociopolitical and gendered mediation,” many contemporary *khawaja siras* “draw upon this history as a source of political strength.” Furthermore, “[Mughal era *khawaja siras*] had great Muslim social, institutional, and religious recognition.”⁶⁰ Many contemporary *khawaja siras* in Pakistan “identify with the state religion of Islam” and “draw their esteem from Islam in general.”⁶¹ All interview participants who contributed to the research for this thesis identified as Muslim and affirmed this notion.

In *Hijraism: Jostling for a Third Place in Pakistani Politics*, Claire Pamment elaborates on the ousting of *khawaja siras* from their “court positions into the public domain, and the decline of their social and economic status” in pre-partition India, and thus in contemporary Pakistan.⁶² Pamment explains how their relegation to the margins of society coincided with the “onset of

⁵⁸ Claire Pamment, *supra* 43 at 33; Aimen Majeedullah, *supra* 4 at 10.

⁵⁹ “*Silent No More*,” *supra* 40 at 2.

⁶⁰ Claire Pamment, *supra* 43 at 33; Jeffrey A. Redding, *supra* 57 at 25-26.

⁶¹ Claire Pamment, *supra* 43 at 33; Jeffrey A. Redding, *supra* 57 at 25.

⁶² Claire Pamment, *supra* 43 at 34.

British rule and the fragmentation of the Mughal courts.”⁶³ It was during this time that “the British colonial government brought opprobrium to the traditions of [*khawaja siras*] by propagating their moral judgment that they were a ‘breach of public decency,’ associating them with begging techniques, verbal obscenity, and genital exposure.”⁶⁴ The British further institutionalized and solidified this marginalization and social stigma through the implementation of highly discriminatory, Victorian laws that “criminalized and sanctioned *khawaja siras*.”⁶⁵

The introduction of Section 377 of the 1860 colonial penal code banned ‘carnal intercourse against the order of nature,’ and “[Section 294] ‘declared obscene acts and songs’ a crime.” Furthermore, the Criminal Tribes Act of 1871 “made mandatory the registration, surveillance, and control of all eunuchs, defined as ‘persons of the male sex who admit themselves, or on medical inspection, clearly appear to be impotent.’”⁶⁶ These discriminatory laws remain intact in contemporary Pakistan, and, even though their application is quite rare, one can posit they have had a serious and lasting impact on macrosystem attitudes and assumptions regarding *khawaja sira* identity and culture, which are arguably correlated to their economic and social exclusion.

These events have converged and manifested into what is now a seemingly paradoxical current state of affairs regarding the status and situation of *khawaja sira* in Pakistan. Palpable romanticization of the resplendence of Mughal statehood and acknowledgement of the esteem once enjoyed by *khawaja siras* somewhat jarringly coexists with the realities of their social marginalization and economic exclusion. Furthermore, the sustained macrosystem attitudinal impacts of colonial era discriminatory laws and policies, and the comparatively robust (yet fraught) catalogue of rights gains and social victories for trans* women and *khawaja siras* in Pakistan seem

⁶³ Aimen Majeedullah, *supra* 4 at 10.

⁶⁴ Claire Pamment, *supra* 43 at 34-35.

⁶⁵ Aimen Majeedullah, *supra* 4 at 10.

⁶⁶ Claire Pamment, *supra* 43 at 34-35.

to oppose each other, the former having a direct (negative) impact on the latter. This understanding will frame the presentation of these rights gains and achievements below.

Recent Rights Gains

In 2009, the Supreme Court of Pakistan issued a ruling “in response to the persistent discrimination [that] *khawaja siras* experience,” that, in addition to delineating some common civil, political, economic, and social rights issues, stipulated provisions for their registration on electoral lists and attempted to bring legal recognition to *khawaja sira* identity.⁶⁷ The ruling required the National Database and Registration Authority to administer state identification cards with the following options for ‘sex:’ “*khawaja sira* (male), *khawaja sira* (female), and ‘*khunsa-e-mushkil*.’”⁶⁸ The legal definitions for these terms, however, were considered to be “ambiguous and unclear: ‘*khawaja sira* male’ grants the same legal status as that of a male,” a status that denotes specific inheritance claims. ‘*Khawaja sira* female’ “provides the same legal status as that of a [female], while there is no legal clarity on the third.”⁶⁹

The term ‘*khunsa-e-mushkil*’ is understood to be an “Arabic-derived term which can be translated as [intersex].”⁷⁰ In some accounts of the ruling and descriptions of the identities above, it has been confused or deliberately replaced with ‘*mukhannas*’ or ‘*mukhannath*,’ which is the Arabic term for a “person born with male sex organs and raised as a boy but who displays effeminate behavior in speech, gesture, gait, or dress.” It is a gender expression understood as not “explicitly [denoting] sexual organs.”⁷¹ Complicating things further, Redding explains that “there is some difficulty in locating a precise statement of these options in the public literature,” but

⁶⁷ Aimen Majeedullah, *supra* 4 at 10.

⁶⁸ Jeffrey A. Redding, *supra* 57 at 31.

⁶⁹ “*Silent No More*,” *supra* 40 at XV.

⁷⁰ Jeffrey A. Redding, *supra* 57 at 32.

⁷¹ Scott Alan Kugle. “*Homosexuality In Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims*.” (Oneworld Publications, 2010), 242.

provides the text of the Lahore High Court's summary of the options in a 2016 litigation as an example: "[T]ransgender for the purposes of the National Identity Card have been divided into three sub-categories: (i) Male *Khawaja sira*; (ii) Female *Khawaja sira*; or (iii) *Khunsa-e-Mushkil*. It is the choice of the applicant to select one of the aforesaid categories and due to the shortage of space in the [physical National Identity Card] the caption used for describing or identifying a transgender is 'X.'"⁷²

It must be noted here that the 2009 petition filed by Muhammad Aslam Khaki, which prompted the Court ruling, was "filed on behalf of *hijras* (also known as *unix* or eunuchs)."⁷³ In fact, the term 'unix' is employed throughout the text of the ruling, alluding again to the conflation of 'eunuch' and '*khawaja sira*' that, as mentioned in the discussion of *khawaja sira* identity above, dominates popular Pakistani conceptions of who *khawaja siras* are. It can be argued that this narrow interpretation of *khawaja sira* identity further complicates what exactly is meant by '*khawaja sira* male' and '*khawaja sira* female' in terms of sex (sexual organs) and whether gender (expression) is at all considered in the formulation of these identities. These terms are arguably just clumsy and confusing arrangements of assumptions regarding *khawaja siras'* genitalia that fail to accurately represent their dynamic corporeal and subjective realities.

The ruling also stipulated prerequisite and unspecified medical tests for individuals seeking to change their sex on national identification cards to one of the three aforementioned. It is not difficult to understand how such a process of sex verification can be incredibly invasive, unethical, and perhaps not even applicable; do these tests, as administered by government-mandated entities, include observation of sexual organs and measurement of specific hormone levels? And what

⁷² Jeffrey A. Redding, *supra* 57 at 31-32.

⁷³ "*Khaki vs. Rawalpindi*", SOGI Casebook. (International Commission of Jurists, 2009). Accessed April 20, 2018. <https://www.icj.org/sogicasebook/khaki-v-rawalpindi-supreme-court-of-pakistan-12-december-2009/>

implication would this bear for *khawaja siras* who have not undergone procedures to alter or remove their sexual organs?

At this time, lack of access to primary sources, i.e. digital national identification card application forms, or primary accounts of *khawaja sira* identifying individuals who have gone through process of updating their national identification cards, makes it impossible to resolve these disparities. Nonetheless, because of the ruling's confused and limited understanding of the nuance and depth of *khawaja sira* identity, enforced and invasive medical tests, and the fact that the provisioned identities are not valid or recognized in Saudi Arabia (effectively prohibiting Pakistani Muslim *khawaja siras* from performing Hajj, a principal Islamic ritual required to be performed by all Muslims), many *khawaja siras* have chosen not to pursue updating their national identification cards.⁷⁴

The ruling has been further criticized for neglecting to grant general “social security, welfare, and protection for the human rights of *khawaja sira*,” and for failing to provide directives to provinces regarding how to address the sustained economic and social exclusion they experience.⁷⁵ It offered no directives regarding macrosystem discriminatory attitudes and stigma against *khawaja siras*, and arguably had no impact on their economic and social wellbeing. The ruling can be considered, however, the catalyst that sparked an upsurge of “legal, political, and cultural activism by [*khawaja siras*] all over Pakistan.” Consequently, in the years following 2009, the Court would go on to pass a series of legal orders by which “it acted to remedy the injustice of contemporary [*khawaja sira*] life.”⁷⁶

⁷⁴ “*Silent No More*,” *supra* 40 at XV.

⁷⁵ *Ibid*, XV.

⁷⁶ Jeffrey A. Redding, *supra* 57 at 1-2.

In 2011, the Court issued a ruling “ordering the country's election commission to collect data from the [*khawaja sira*] community and register them as voters” (their right to vote was not explicitly provisioned in the 2009 ruling).⁷⁷ In 2012, the Court would issue a subsequent ruling that “guaranteed a series of previously denied inheritance rights, assured [*khawaja siras*] of protection from abuse by the police and other organs of the state, and directed provincial government agencies to provide [them] access to health care, education, and employment.”⁷⁸

In 2013, the year in which the 2011 ruling was implemented, “several *khawaja siras* ran in Pakistan’s general elections.”⁷⁹ In 2017, they were incorporated as a group for the first time in the national census (discussed later), and in the same year “the government issued its first passports with a transgender category.”⁸⁰ It was also in 2017 that the milestone Transgender Persons (Protection of Rights) Bill (now Act) was proposed by a senator as a private bill. It was “designed to achieve the following objectives, [inter alia]: define a transgender person; confer rights upon transgender [people] recognized as such, and a right to self-perceived gender identity; provide that no establishment shall discriminate against transgender [people] in matters relating to employment, recruitment, promotion, and other related issues; and provide for a grievance redressal mechanism in each establishment.”⁸¹

This draft of the Bill underwent several amendments before formal introduction to the Senate later in 2017. The draft retained invasive and unethical medical screening requirements for

⁷⁷ Frud Bezhan. “Supreme Court Ruling Gives Pakistan's Beleaguered Transgender Community New Hope.” (Radio Free Europe Radio Liberty, 2011).

<https://www.rferl.org/a/pakistan-beleaguered-transgender-community-given-new-hope/24396423.html>

⁷⁸ Aimen Majeedullah, *supra* 4 at 10.

⁷⁹ “Silent No More,” *supra* 40 at 7.

⁸⁰ Mehreen Zahra Malik, *supra* 53.

⁸¹ “Transgender Persons (Protection of Rights) Bill, 2017 Salient Features, Gaps & Recommendations.” (Forum for Dignity Initiatives, 2017), 21. <http://www.csbronline.org/wp-content/uploads/2017/04/Transgender-Persons-Protection-Bill-2017-.pdf>

the verification of trans* individuals' identity. This was unacceptable for civil society groups and trans* and *khawaja sira* community members who were an integral part of the Bill's subsequent drafting and negotiation process. The Bill was also found to be afflicted by certain legal issues regarding its application and implementation by provincial governments, and several clauses were deemed too vague or impractical to be effectual; these included the modalities of the proposed grievance redressal mechanisms, and the proposed definition of the 'right to residence' which provides that "no transgender person shall be separated from parents or immediate family on the grounds of being transgender, except on an order of a competent court." For these reasons, rights groups were generally critical of this draft of the Bill, claiming it had failed to provide adequate directives to achieve the objectives it laid out and that it "should focus more on the prevention of violence and discrimination rather than state regulation."⁸²

By information obtained through correspondence with the civil society actors engaged in the drafting and negotiation process, it became clear that this version of the Bill was rejected and that many of these issues were discussed in excruciating detail with relevant bureaucrats and government entities. Broad consensus was finally achieved on an amended draft that would go on to be introduced to the Senate in 2017, which "received overwhelming support from major political parties."⁸³ Subsequently, the version finally passed by the Senate and National Assembly in 2018 discarded the unethical medical screening requirements and vague, problematic, or over-regulatory clauses in favor of elaborating on specific prohibitions of discrimination and harassment and government obligations to respect, protect, and fulfill the human rights of trans* and *khawaja sira* individuals.

⁸² *Ibid*, 14-19.

⁸³ Mehreen Zahra Malik, *supra* 53.

This version of the Bill was generally well received by rights groups and trans* and *khawaja sira* community members for providing the following definition for ‘transgender person:’ “intersex (*Khunsa*) with mixture of male and female genital features or congenital ambiguities; eunuch assigned male at birth, but undergoes genital excision or castration; or a Transgender Man, Transgender Woman, *Khawaja Sira* or any person whose gender identity and/or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth.”⁸⁴

This definition constitutes a crucial step forward in the legal recognition and expansion of rights protections for trans* and intersex individuals who do not subscribe to *khawaja sira* culture or identity. The inclusion of trans* men in this definition is particularly significant, as they have been more or less rendered invisible in national and international conversations regarding gender identity movements in Pakistan over the past near-decade. Additionally, this definition eschews the confusing and clumsily defined terms relied upon in the Supreme Court rulings from 2009-12 and the census in 2017. In doing so, the Bill also effectively abandoned the Court’s tendency of confining definitions of *khawaja sira* identity to ‘eunuch’ or intersexual.

Furthermore, the Bill contains a variety of comparatively progressive clauses and directives regarding government obligations, including the prohibition of all forms of discrimination against trans* and *khawaja sira* individuals in all public spaces and institutions and in private establishments; “the establishment of protection centers and safe houses [that provide] medical facilities and psychological care to ensure the rescue, protection and rehabilitation of Transgender Persons;” the establishment of sensitization programs for public servants, particularly law

⁸⁴ “*Transgender Persons (Protection of Rights) Act, 2018*” (Senate of Pakistan, 2018), 2.
http://www.senate.gov.pk/uploads/documents/1520932539_231.pdf

enforcement agents and healthcare workers; and “the formulation of special vocational training programs to facilitate and promote the livelihoods of Transgender Persons.”⁸⁵

Given the Bill was only just passed by the National Assembly in 2018, an evaluation of its stated objectives cannot be offered at this time. And some questions remain regarding what metrics the government will use to evaluate the implementation and impact of each specific clause, in particular the efficacy of vocational training programs and sensitization programs for public servants. Prevailing macrosystem, discriminatory attitudes towards *khawaja siras* may arguably pose the greatest challenge to the success of the Bill, which may ultimately be undermined if the government neglects the importance of sensitization of both state and non-state actors. The series of rights gains expounded upon prior can be considered examples, then, of gaps that persist between legal equality and the lived realities of social and economic exclusion *khawaja siras* experience. It would suffice here to present some figures that capture this exclusion and the generalizable economic and social status of *khawaja siras* in Pakistan. These figures will also provide a quantitative supplement to the analysis of the qualitative information gleaned from interviews conducted with *khawaja siras* and trans* women regarding their experiences of difference, stigma, shame, and harm.

Current Economic and Social Status

The 2017 census in which *khawaja sira* and trans* individuals were supposed to be counted “identified only 10,418 [*khawaja siras* and trans*] people out of a population of nearly 208 million.” This figure was criticized by community and civil society rights groups who claim it is a severe underrepresentation of the actual number of *khawaja sira* and trans* individuals in Pakistan, and that accuracy may have been compromised by the fact that some *khawaja sira* and

⁸⁵ *Ibid*, 4-5.

trans* individuals refused to actually tick the ‘third gender’ box on the census survey out of shame or fearing discrimination. A representative of Khawaja Sira Society, one community and rights organization in Lahore, estimated that “in Punjab alone there are 400,000 to 500,000,” citing that her organization has provided health services “to over 30,000 [*khawaja sira* and trans*] people just in Lahore.”⁸⁶ The census figure seems even more implausible given an estimation provided in 2007 that places the number of *khawaja siras* in all of Pakistan at about “one and a half million.”⁸⁷

These estimations pose a challenge to accruing viable data on the social and economic status of all *khawaja sira* and trans* people in Pakistan. Such obstructions have been decried as preventing the necessary earmarking of state funds designated for the implementation of policies and protection floors intended to facilitate the economic and social inclusion of *khawaja siras*, such as those provisioned by the Transgender Persons (Protection of Rights) Act.⁸⁸

In an attempt to fill these data gaps, a 2017 study commissioned by the Aurat Foundation entitled *Silent No More: Transgender Community in Pakistan*, provides quantitative and qualitative socio-economic data on *khawaja siras* and trans* women in all four provinces of Pakistan. Information was accrued through 28 in-depth interviews and 28 focused-group discussions with *khawaja siras* and trans* women (each containing a minimum of 8 participants), and through 20 key-informant interviews with “policy-makers, lawyers, [and *khawaja sira* and trans* women] activists and community leaders.”⁸⁹ Though the viability of the data is compromised by a limited sample, it provides figures and information that nonetheless substantiate patterns of systemic social and economic exclusion that are conventionally understood to define

⁸⁶ Zofeen T Ebrahim, “Don’t we count? Transgender Pakistanis feel sidelined by census.” (Reuters, 2017) <https://www.reuters.com/article/pakistan-transgender-census/dont-we-count-transgender-pakistanis-feel-sidelined-by-census-idUSL8N1ME398>

⁸⁷ Claire Pamment, *supra* 43 at 29.

⁸⁸ Zofeen T Ebrahim, *supra* 86.

⁸⁹ “*Silent No More*,” *supra* 40 at XIV-13.

the lived realities of *khawaja siras* in Pakistan. The thesis will present cumulative figures of the respondents' employment status, levels of education, and income, and some qualitative data which corroborate the findings of its research.

The study finds that 34.5% of respondents (presumably out of a minimum of 254) were illiterate, the highest reported minimum level of education of respondents. Only 5.4% completed secondary education, while 4.9% hold Bachelors-equivalent degrees. 42% of respondents reported dancing at weddings or other functions as a primary source of income, 15% reported sex work, and 12% reported begging. These occupations represent the highest three reported by respondents. 36% reported having two different sources of income, 7% reported three, and 73% of respondents who indicated sex work as a primary source of income also indicated dancing and begging as alternate sources. 47.1% of respondents reported earning an average monthly income of 0-10,000 Pakistani rupees, the highest average reported followed by 38.9% who reported 10,001-20,000 rupees.⁹⁰

The study also offers some qualitative information revealing patterns in respondents' accounts of exclusion from formal employment due to stigma sustained by prevailing stereotypes that all *khawaja siras* are sex workers. Patterns also emerged in respondents' statements of realization of difference in terms of gender identity and expression, "many reporting that as children they were effeminate and preferred playing with girls." Respondents recounted common instances of physical and emotional abuse often perpetrated by immediate male family members in attempts to "correct them of their deviance;" those who left or who were expelled from their homes stated that subsequently their "problems intensified." Many also reported being targeted by an act of violence in public and "having grown accustomed to public verbal abuse." Rape and other

⁹⁰ *Ibid*, 17-20.

acts of sexual violence were reported as the most common crimes many *khawaja siras* experience, and many respondents cited ridicule, sexual harassment, and denial of service by police officers and healthcare personnel when seeking aide.⁹¹

In *Living on the Peripheries*, Aimen Majeedullah proposes that these facets of the social and economic exclusion *khawaja siras* experience are “interrelated and mutually reinforcing.” Majeedullah applies Chambers’ Web of Poverty’s Disadvantages (WPD) framework, “a multidimensional and context-specific approach to poverty based on participatory poverty assessments of over 20,000 men and women in more than 20 countries,” to facilitate the examination of “how elements that contribute to [*khawaja siras*] experiences of social and economic exclusion” synergistically diminish their human capabilities. This includes examination of linkages between “perceptions of ascribed inferiority” based on *khawaja siras*’ gender nonconformity and the “unwarranted abuse, discrimination, and isolation [*khawaja siras*] suffer in their social relations.” Many *khawaja sira* discontinue education “due to bullying and physical and sexual abuse by teachers, school administration, and peers,” which is causally linked to their “inability to earn [income] through livelihood opportunities free from abuse and discrimination.” Furthermore, confinement to such “high-risk/low income livelihood opportunities” poses more threats to their health and generally exacerbates their social insecurities.⁹²

Benefitting from Majeedullah’s application of the WPD to *khawaja siras*’ social and economic exclusion, this thesis will attempt to identify if and how the weaponization of Islamic narratives contributes to their experiences of difference, stigma, shame, and harm. The thesis conceives such experiences as elements of living that can be adapted to serve as metrics for the evaluation of *khawaja siras*’ overall economic and social wellbeing. The application of ecological

⁹¹ *Ibid*, 23-31.

⁹² Aimen Majeedullah, *supra* 4 at 14-24.

systems theory to locate these experiences within specific microsystem interactions facilitates the assessment of whether Islamic narratives contribute to these experiences and if they influence the contexts and outcomes of such interactions. Such an analysis could provide a more holistic picture of what specific factors diminish the human capabilities of *khawaja sira* in Pakistan and could potentially undergird effective social policies and inclusive development imperatives to evaluate and ultimately reduce the influence of these factors, which could theoretically propel national macroeconomic development.

V. INTERVIEW FINDINGS

The findings of this thesis' research are organized below according to experiences of difference, stigma and shame, and harm. These experiences are conceived as qualifiable components of the participants' microsystem interactions. Participants' were asked questions with the intent to identify specific environments and interactions within which such experiences occur, and to ascertain if the weaponization of Islamic narratives contributed to these experiences. The thesis defines 'weaponization' as the process by which such narratives are instrumentalized by state and non-state actors to stigmatize, shame, or justify harm against an individual. In this vein, the thesis conceives these narratives as potential macrosystem influencers of *khawaja sira*' microsystem outcomes and human capabilities.

Interviews were conducted with four participants (names withheld) who identify either as *khawaja sira*, female *khawaja sira*, or as *khawaja sira* and transgender woman. All four participants subscribe to the *guru-chela* system. Participant A would not disclose her exact age, responding with 50+ when asked. At the time of their interviews, Participant B was 47 years old, Participant C was 27, and Participant D was 24. All four participants have residence in Lahore. Interviews were conducted in English with Participants C and D, and Urdu/Punjabi interpretation

was provided for interviews with Participants A and B. Interviews with Participants B, C, and D were conducted at their NGO's (name withheld) headquarters in Lahore, and the interview with Participant A was conducted at her private residence, also in Lahore. Approval for research with human subjects was obtained by the Columbia University Institutional Review Board.

Experiences of Difference

All participants shared experiences of self-perception of difference from heteronormative roles and manifestation of feminine gender identity and expression early in their lives. Participant A, who disclosed that she was born intersex and identifies as female *khawaja sira*, offered an account of self-realization of gender difference and group-differentiated identity that substantiates descriptions of *khawaja sira* identity provided in Chapter 4, and which was shared by other participants: "There is a woman inside of us, and that woman comes out when we are very young. I was 15 when I became aware of my bodily differences, and then of my gender differences. I realized that I wasn't a boy or a girl, I realized that I am a third gender. This is when I started exploring the world of *hijras*."⁹³

Participant B, who identifies as *khawaja sira*, recalled similar experiences of early self-perception of gender difference and of gender affirmation upon entry into and adoption of *khawaja sira* community and culture: "Since I can remember, I would wear *duppatas* (scarves typically worn by women in South Asia) and play with girls. Maybe I thought I was a girl when I was a child. Young trans boys just think they are girls. I didn't know my gender when I was that age. After I ran away from home, I started meeting people in the [*khawaja sira*] community because I

⁹³ Participant A, interview by Omair Paul at private residence on 11 January, 2018.

came directly into it. I became familiar with the culture and started identifying with it. I started learning more about my gender.”⁹⁴

Participant C’s account of her journey of self-perception and gender affirmation as a transwoman *hijra* further corroborates *khawaja siras*’ innate intuitions towards feminine gender identity and expression. Her account also provides an illustration of *khawaja sira* sexual orientation and identity as described in Chapter 4:

When I was a child I thought I was a girl. Growing up I didn’t really know what I was in terms of gender. After I completed my intermediate schooling, I joined up with feminist and gay rights activists and just thought that I was gay. I realized that gay men are same sex loving. I felt different from that. With the passage of time I began to realize that I was different, that I was more like a woman, and that I wanted a straight relationship with a straight man. This experience also informed my decision to join *hijra* culture.⁹⁵

Participant D echoed these experiences of sexual and gender nonconformity and group-differentiated identity and offers a perspective on membership in *khawaja sira* community: “I spent my life thinking I’m a gay boy, but then I was like I’m not gay, I’m not a boy. But I like boys. In 2011 I became part of the culture. I started understanding the rituals, and a lot of them are shit, but the support system and the culture empowered me to understand myself. Now I identify as a transwoman *hijra*. I am a *hijra*.”⁹⁶

The participants’ accounts of self-perception and manifestation of feminine gender identity and expression, and association and identification with *khawaja sira* culture and community, directly correlate to Chelvan’s conceptualization of ‘difference’ presented in Chapter 2. The next section will present how participants’ gender difference gave rise to experiences of stigma and shame in their microsystem interactions with a variety of actors and environments and will expound upon if and how Islamic narratives have contributed to these experiences. To do so,

⁹⁴ Participant B, interview by Omair Paul at NGO office on 10 January, 2018.

⁹⁵ Participant C, interview by Omair Paul at NGO office on 11 January, 2018.

⁹⁶ Participant D, interview by Omair Paul at NGO office on 10 January, 2018.

explanations of certain macrosystem assumptions of *khawaja sira* identity, culture, and behavior—assumptions that theoretically define and influence the contexts and outcomes of their microsystem interactions—will also be presented.

Experiences of Stigma and Shame

All participants asserted that *khawaja siras* in Pakistan are ubiquitously stereotyped as dancers, beggars, or sex workers. Such stereotypes sustain and reproduce societal perceptions of their moral deviance, criminality, and sexual objectification. The participants provided accounts that demonstrate how these macrosystem assumptions give context to the stigma and shame they've experienced throughout life in various public and private environments (some of which they were not actively engaged in), including their biological family homes, schools, places of employment, and healthcare facilities. While certain correlations can be made between the participants' experiences of stigma and shame, the severity, duration, and nature of the experiences reported varied. The extent to which Islamic narratives contributed to specific experiences of stigma and shame also varied.

All participants reported experiencing stigmatization by their fathers and/or older male siblings, and all recounted subjection to verbal ridicule, degradation, and other acts that reinforced stigma inside the home. Participant A stated she was accused of bringing shame to her family because of her feminine gender expression. She recalled that her brothers were taunted by their peers for being related to her and that they berated and hurled derogatory remarks towards her in retaliation.⁹⁷ Participant B recalled similar experiences of stigma and general exclusion from

⁹⁷ “Because I’m *khawaja sira*, they didn’t like that. We were a very decent family, and they were all very educated. Their friends used to make jokes and make fun of me and them because there is a *khawaja sira* living in the house. People used to taunt my brothers and they would take it out on me, and they would call me these derogatory words.” Participant A, *supra* 93.

family activities due to her father's fear that she would bring them shame.⁹⁸ Both participants expressed that they conceded to familial pressure to leave the home at the age of 10 due to increasing amounts of stigma and harm perpetrated against them by senior male family members.

When asked whether she believes her family ever weaponized Islamic narratives against her, Participant A rejected the idea and suggested the stigmatization she was subjected to had more to do with external pressure her family faced to preserve their social status. When asked to elaborate on whether she ever experienced an instance in which it was conveyed to her, by immediate family or other actors in public or private, that *khawaja sira* culture and life are forbidden or sinful as per Islamic mores in Pakistan, she responded: "If anyone says anything like that they are wrong. *Khawaja siras* clean the *Roza Mubarak*. They only allow *khawaja siras* in the *Roza Mubarak*."⁹⁹ Participant A generally felt very positive about the status and respect that *khawaja siras* are granted in Islam and delineated the high societal functions *khawaja siras* fulfilled in Mughal-era South Asia to substantiate this perspective. She laments that "nobody really calls on *khawaja siras* to come to functions anymore, to dance, sing, or offer blessings. But we all have stomachs and we all must eat. If they can't sing or dance, they resort to sex work or begging to make a living. Since that's become more common, that's the perception many people have of *khawaja siras*, and it's not a good perception."¹⁰⁰

Participant B also attributed the stigma she experienced inside her home to her father's resentment of her effeminate expression, claiming that public recognition of her nonnormative behaviors threatened his status as a feudal lord and the respect of her family commanded in their

⁹⁸ "In my childhood, [my father] loved my brothers more. He never loved me or took me anywhere. I remember him just cursing at me, yelling at me, telling me to get out of the way, to get lost, these sorts of things. He was very concerned that when I would get older I would bring shame to the family in our neighborhood because of my behaviors." Participant B, *supra* 94.

⁹⁹ The *Roza Mubarak* is the purported place of death and sacred tomb of the Prophet Muhammad.

¹⁰⁰ Participant A, *supra* 93.

neighborhood. She stated that her father never weaponized Islam against her because of her gender expression but admitted that many *khawaja siras* generally experience stigma in public by “people [who] say *khawaja siras* are sinful, that what we do is against God’s wishes. In public, some *maulvis*¹⁰¹ would see us and say ‘*astaghfirulla*.’¹⁰² When you are in the community, and even before, you’re on the receiving end of stigma by society and your family. We learn from an early age to expect this.”¹⁰³

Participants C and D offered accounts of their interactions with immediate and extended family members that illustrate similar experiences of stigma, but which also indicate potentially intergenerational discrepancies between the outcomes of their interactions and those conveyed by Participants A and B. Participant C recounted that she was stigmatized by her father and brothers who condemned her effeminate expression, and elaborated that her family would exclude her from social events at the behest of her neighbors who verbally ridiculed her.¹⁰⁴ Her interactions with immediate family members in the home seemed to generally yield fewer negative outcomes than those detailed by Participants A and B, however, and suggest that her family may have inadvertently perpetuated stigma against her out of concern for her economic and social wellbeing.¹⁰⁵ She explained that her extended paternal family was more conservative, stating that

¹⁰¹ Muslim scholars and/or community religious leaders.

¹⁰² Arabic phrase that functionally translates to “God forgive us.”

¹⁰³ Participant B, *supra* 94.

¹⁰⁴ “When I was 8 years old, my father took me to a psychiatrist who prescribed me medication. He thought I had some hereditary issue that came from my mother’s side of the family. When I was that age my brothers would tell me to walk like a man and not like a girl. Their friends would tell them that I act like a ‘*khusra*’ so they started calling me ‘*khusra*.’ When my family used to go to events, people would tell them not to bring ‘*khusra*.’ This was hard for my family, and sometimes I feel like they’re still ashamed of me.” ‘*Khusra*’ is a Punjabi word for *khawaja sira*, considered derogatory. Participant C, *supra* 95.

¹⁰⁵ “After the death of my father and my brothers’ marriages, I came out [as *khawaja sira*] and no one had a problem. My family supported me to go to school and pursue higher education. I still have my room in my family’s house in Karachi and would live with them if they lived here in Lahore. They thought I was going to do stuff like begging on the streets, dancing, and sex work. They worried I would be alone and poor and no one would take care of me, that I would have no future as *khawaja sira*. But I was able to sensitize them. I have a supportive family who accepted me; not all *khawaja sira* have a family that supports and accepts them. They just asked that I don’t tarnish the name and respect of the family.” *Ibid*.

in addition to dehumanizing her, they explicitly weaponized Islamic narratives against her in the attempt to shame her into conformity: “My father’s side of the family was super conservative, *Deobandi maulvi* type. My uncles used to tell me that I am ‘*qaum lut*.’¹⁰⁶ My grandfather used to tell me that I’m an animal. They would say God made you a man. That’s how you were made, and for you to go against that goes against Islam. They said what I’m doing is wrong. I was embarrassed and hurt.”¹⁰⁷

Participant D recalled that her eldest brother stigmatized her the most inside her home, citing that he constantly censured her feminine appearance and expression because of the shame he accused her of bringing him. She stated that her sister considers her feminine gender expression to be *haraam* and that her transition renders her *kaafir* and non-Muslim.¹⁰⁸ While she admits her siblings actively stigmatized her, she affirmed that her parents are ultimately concerned about her economic and social wellbeing.¹⁰⁹ She also revealed that her family implored her to continue living in their home if she was to proceed with her gender transition.¹¹⁰ Generally, her interactions with immediate family members were more comparable in nature to those conveyed by Participant C than those of Participants A and B.

¹⁰⁶ Derogatory Urdu phrase referring to the people of Sodom and Gomorrah as per the Qur’anic story of the Prophet Lut.

¹⁰⁷ Participant C, *supra* 95.

¹⁰⁸ ‘*Haraam*’ refers to anything forbidden in Islam; ‘*Kaafir*’ is the Arabic term for non-believer; “I never had a good relationship with my brother. He was abusive towards me because his friends would see me in the market hanging out with girls. He would always ask me: ‘why are you doing this? Where is your beard? Why are you waxing yourself? Cut off your hair.’ My sister would always say that I’m *kaafir*, that I can’t be Muslim if I’m doing this. She would never accept me. But now they don’t bother me because they both live abroad. But when they come back they always to convince me that I’m doing something wrong.” Participant D, *supra* 96.

¹⁰⁹ “[My family] had this image that I will do sex work, dance at weddings, or that I will beg for money on the road. That’s not the case, but they are scared anyway. They always tell me I will not have opportunities even though I’m educated, decent, and presentable, that I will not have a job or a proper place in society, that I will always be a joke.” Participant D, *Ibid*.

¹¹⁰ “[My family] would never want me to leave them. My father says still tells my brother: ‘We will never kick him out,’ and tells me ‘we will accept whatever you want but you must still live with us, in your home, in your room, you cannot live anywhere else.’” *Ibid*.

Participants C and D also offered similar perspectives regarding increased levels of stigma in public prior to commencing hormone treatments. Participant C stated “I change every day because of the hormones. Typically, if I’m out and about and don’t talk, people think I’m a regular woman.”¹¹¹ Participant D explained that “people were confused when I told them I’m a woman. Before transitioning I used to look different. We all do. But after transitioning, people are ok with it. It also depends on how you represent yourself.”¹¹² While she acknowledged a positive macrosystem paradigm shift towards nuanced and destigmatized understandings of *khawaja sira* identity and culture, she suggested that choices of clothing and possibly certain behaviors perpetuate and exacerbate derogatory assumptions and stigmatization of *khawaja siras* in public.¹¹³ When asked if she feels whether Islamic narratives explicitly contribute to this stigmatization, she generalized that “extremists will never accept us. Whatever we do we are men to them. They accept you if you’re born [*khawaja sira*], if you’re intersex. To be very clear, if you have breasts, they accept you.”¹¹⁴ Participant D responded to this question ambivalently, and ultimately concluded that stigmatization against *khawaja siras*’ in public and private is sustained mostly by macrosystem assumptions that they engage in deviant or criminal behaviors.¹¹⁵

One pattern observed through analysis of the accounts above suggests that participants’ senior male family members perpetuated the most stigma against them due to external societal pressure and fear that public recognition of the participants’ gender identity and expression will

¹¹¹ Participant C, *supra* 95.

¹¹² Participant D, *supra* 96.

¹¹³ “If you’re a decent person aren’t doing anything wrong you won’t be made fun of. Whenever I go out I wear decent attire and try to be very polite and decent. If you go out wearing stuff not acceptable in our society, showing off your body, talking in a certain way, then you will be discriminated against. You have to stay in your limits. You live in Pakistan. You live in an Islamic state.” *Ibid.*

¹¹⁴ *Ibid.*

¹¹⁵ “Prominent religious scholars promote acceptance of transgender people in Pakistan. But lower institutional actors, like *maulvis* at the local mosque or other kinds of people like that, they promote completely different concepts [about *khawaja siras*] and I feel like they’re pretending when they tell people things about us. But most people stigmatize us because of they think we do dirty or wrong work.” Participant C, *supra* 95.

reduce the family's social status. Generally, the participants causally linked these experiences of stigma more to macrosystem assumptions of *khawaja sira* identity, culture, and behavior, and less to the weaponization of Islamic narratives. The accounts offered by Participants C and D, however, demonstrate how certain family members did weaponize Islamic narratives against them by branding them as blasphemous for challenging divine creation by pursuing their gender transitions, and by citing scripture to reinforce notions of *khawaja sira*'s ascribed religious inferiority, moral deviance, and subhuman status.

While specific Islamic narratives—including fundamentalist interpretations of the Qur'anic story of the Prophet Lut and the characterization of gender transition as an affront to divinity and thus blasphemous—were weaponized against these participants and did contribute to their experiences of stigma in public and private, the majority of accounts demonstrate how these narratives have actually been transmuted into a veneer and mode of reproduction for heteronormative colonial legal legacies and cultural mores that have come to undergird contemporary assumptions of *khawaja sira* identity, culture, and behavior. What this analysis suggests is that Islam constitutes a separate aspect of the macrosystem prone to instrumentalization by actors who parochially subscribe to these disparaging assumptions and who thus deem *khawaja sira* identity, culture, and perceived behavior as incompatible or forbidden within Islam. These assumptions are the actual factors that gave context to the participants' experiences of stigma and influenced the outcomes of their microsystem interactions. This understanding will frame the following delineation of participants' experiences of stigma within specific public environments, the outcomes of which theoretically determine their human capabilities throughout life. It should be noted again that the extent to which participants experienced stigma in these interactions and the reported nature and severity of subsequent outcomes differed.

Participant D reported general stigma and harassment perpetrated against her by male peers and positively noted friendships with heterosexual female and lesbian, gay, bisexual, and trans* peers throughout her schooling and into university.¹¹⁶ Participant C provided near identical accounts of her interactions within school and university settings, and recounted an explicit experience of stigmatization by one university professor (unlike Participant D, who did not report feelings of stigmatization by school or university personnel).¹¹⁷ Despite recurring experiences of stigma inside the home and periodic experiences in school and university settings, Participants C and D did not discontinue pursuing higher education and both hold bachelor's degrees in commerce and business, respectively. Neither participant reported having felt that Islamic narratives contributed to these experiences, and their accounts indicate they were stigmatized primarily due to perceptions of their sexuality and recognition of their gender nonconformity.

Their accounts differ considerably from those provided by Participants A and B, who, while expressing similar aversion towards male peers and tendencies to forge friendships with female peers, provided accounts that point to a causal link between their experiences of stigma in the household and discontinuation of education: Participant A stated she ceased pursuing education after 10th grade due in part to having been forced to leave her home because of the stigma and

¹¹⁶ "I was always friends with girls and trans, gay, and lesbian people. Boys never took me seriously and used to tease me. I was never comfortable with boys; I couldn't talk about girls or breasts. They used to think I'm a homosexual; it was about sexuality for them. I came out to my [LGBT] friends during my second semester in university but didn't come out to my cis straight friends. But they figured it out because I started wearing makeup and had long hair. They were kind of ashamed of me and stopped inviting me out. Some of the boys [at university] started sexually harassing me, so I stopped hanging out with them and didn't care because I wasn't comfortable with them anyway." Participant D, *supra* 96.

¹¹⁷ "On my first day at university, I was in class and the professor asked everyone to introduce themselves. I was a self-identified trans woman at the time and was sitting on the female side of the room and was wearing women's clothing. I didn't use the name I go by now and used my birth name to introduce myself instead; that was the name they had on record. Everyone was shocked and gasped at me. They all looked at me like 'what's going on here, who is this person?' The professor asked me what I was doing there and told me to go back out to the streets. I felt very embarrassed." Participant C, *supra* 95.

harm she was subjected to and to subsequent integration into *khawaja sira* community.¹¹⁸ Participant B recounted that she was removed from public school by her parents and sent to *madrassa* (Islamic religious school), suggesting her parents did so in order to mitigate the public shame they accused her of bringing to the family.¹¹⁹ She elaborated that she stopped going to the *madrassa* because the resident *maulvi* was sexually abusing other children. When asked specifically what her current level of schooling is, she responded “I never went to school.”¹²⁰ Both participants explicitly stated that Islamic narratives had no bearing or influence on the factors that led them to discontinue their education, affirming this was due more to the stigma and harm they experienced in the home because of their feminine gender expression.

Participants offered varying accounts of experiences of stigma and discrimination in the formal employment sector, reporting that these experiences occurred either while employed or during employee recruitment processes. Participant D offered accounts of explicit stigmatization and discrimination by employers in both Pakistan and the United Arab Emirates, and stated she was denied several formal employment opportunities in Pakistan on the grounds of her gender identity and expression.¹²¹ She is currently employed at her NGO and affirms it is a steady source of income. Though she does not feel forced to continue working there, she stated she may have

¹¹⁸ “When I began to realize my gender identity, my stepfather and stepbrothers created a lot of issues for me. They were very violent with me and didn’t want me in the house, so I ran away when I was 10. At 15 I joined [*khawaja sira*] community and chose not to go to school after that.” Participant A, *supra* 95.

¹¹⁹ “They used to send my brothers and sisters to regular schools, but not me. I think it had to do with the fact that I acted like a girl and they didn’t want to send me to a regular school because of that. Maybe they thought the *madrassa* would make me behave like a boy.” Participant B, *supra* 94.

¹²⁰ *Ibid.*

¹²¹ “I was a social marketing manager at a furniture store here in Pakistan. I was also employed as a writer at an office in Dubai. Both let me go because of my gender. Both said it was too dangerous for them to work with me. In Dubai they told me to go work for some fashion industry here in Pakistan because I don’t belong there. They even said I would be deported. Here too I’ve been asked why I’m not a beautician or a fashion designer. They meant I’m not suitable for their organizations. The [formal employment sector] is a very difficult environment. [*Khawaja sira*s] don’t have any good opportunities. I’ve even done all the interviews wearing a suit and tie, gelling my hair back, presenting as a boy. But they don’t hire you. I’ve been rejected and told to my face that I need to change my looks.” Participant D, *supra* 96.

had no other option for formal employment and steady income as a *khawaja sira* in Pakistan.¹²² Participant C indicated that while she feels financially secure and empowered by working at her NGO, she asserts that she has been routinely denied from other formal employment opportunities on the grounds of her gender identity and expression.¹²³ She also indicated that she has danced at functions, begged, and engaged in sex work, but only to offset expenses pertaining to products and accessories she requires to manifest her expression and typically not as primary sources of income. She clarified that she never felt forced to continue working at the NGO or to engage in dancing, begging, or sex work.¹²⁴

Participant B reported that prior to commencing work with her NGO, she relied predominantly on dancing at functions as her primary source of income and means of subsistence. She stated this was not a steady source of income and suggested there were no other options for her.¹²⁵ She recounted that she only once sought formal employment (prior to the NGO) at a medicine packing facility that expressly denied her employment on the grounds of her gender identity, claiming that if they hired her, the work environment would “deteriorate and become sinful.”¹²⁶ Participant A also reported relying on dancing as a principal source of income throughout her life, though currently relies more on income gained through an honored and

¹²² “I had some opportunities [at this NGO before and at another NGO], but I wanted to prove that I could work in a normal organization that wasn’t doing LGBT rights. I wanted to work somewhere else so that people could see that *khawaja siras* can hold jobs in other sectors. In the end I was devastated and realized that I need a job where I can work be me. That’s when I joined [the NGO].” *Ibid.*

¹²³ “I have applied to other jobs. I’ve had interviews during which they would look at my CV and question why I have a male name and a woman’s photo, why in person I look like a *khusra*. They often told me they couldn’t hire me because it would reflect poorly on them.” Participant C, *supra* 95.

¹²⁴ “Trans people have a lot of expenses. So I used to dance and have done sex work in the past. I begged only one time in my life because I needed to survive. I was never forced to do these things; my gurus never forced me. I decided my profession. But I wanted clothes, jewelry, makeup, and I needed to pay for these things. Trans people here live dual lives. You need money for male and female clothes and accessories. These things are expensive. But now I have a job and a partner and live only as a woman.” *Ibid.*

¹²⁵ “It was very unpredictable. In 2 weeks I might have gotten 2 functions but in another month I may not have gotten any. It’s not stable, but this was my only way of earning and it was enough to survive. I didn’t have a place to stay and there was so much stigma against me.” Participant B, *supra* 94.

¹²⁶ *Ibid.*

respected practice of ritual begging known as '*toli*' which is typically performed to mark occasions such as the birth of a child.¹²⁷ She states that while this is not a stable source of income, she has made up to 15,000 Pakistani rupees (about 126 U.S. dollars) from performing just one ritual and expressed that she generally feels financially secure. She asserted that she never felt forced to dance or perform *toli*.¹²⁸ She recounted having been employed only once in the formal work sector (at a medicine packing facility, coincidentally) and explained that at the time she did not feel stigmatized by her employers or fellow employees. She elaborated that she left the job to reconcile her relationship with her *guru*.¹²⁹

All participants—save Participant A who reported that she never personally felt stigmatized in any public space¹³⁰—offered detailed accounts of stigmatization and/or absolute refusal of service by healthcare personnel. Participant B recalled she was explicitly dehumanized by hospital staff and ultimately refused treatment for a condition she has that affects her breathing. She states that she has still not received treatment for this condition.¹³¹ She elaborates that *khawaja siras* are typically met with stigma, ridicule, and harassment by service providers when they seek free treatment at government healthcare facilities. She noted that because of how regularly this occurs, many do not have viable access to healthcare services unless they're able to pay for services

¹²⁷ Participant A, *supra* 93.

¹²⁸ "I made the choice to leave my family and enter the community, to dance and sing as a *khawaja sira*. I regret this choice to some extent. But I wasn't forced." *Ibid*.

¹²⁹ "I worked in a company where they used to pack medicines. I was getting a monthly salary of 15,000 Pakistani rupees. A car used to come pick me up and I was provided meals. They were happy a *khawaja sira* was working there. I worked there for a year but then had a fight with my *guru*. I left the job because my *guru* was upset with me. After we reconciled I came back to the community." *Ibid*.

¹³⁰ "When I go out in public I wear a veil and present myself respectfully, so no one bothers me and I don't really feel stigma in public. People don't realize I'm *khawaja sira*." *Ibid*.

¹³¹ "I can go to a hospital, but's that not the same thing as being treated, right? I have an issue with my nose that makes it difficult to breath. I went to get it checked it out, and this one guy at the hospital said, 'Oh, you people get sick?' I said I'm human aren't I? I fought with him but ended up not getting my nose checked out. Now it's been 4 years and I still have issues breathing." Participant B, *supra* 94.

at private clinics.¹³² Participant C echoed these sentiments, stating she has felt stigmatized and shamed by healthcare providers numerous times. She recounted that she was explicitly refused service by a religiously conservative doctor when she sought an examination over an STI concern and elaborated that most doctors degrade and chastise *khawaja siras* who seek treatment for these conditions.¹³³ She stated she can now rely on her NGO's partner health service providers to adequately meet her sexual health needs.

Participant D's accounts substantiate those offered above. She recalled the stigma and shame she felt after having been subjected to irrelevant and offensive questions regarding her sexuality by the doctor performing her tonsil examination.¹³⁴ She recounted another experience of having felt stigmatized and shamed by nurses and doctors who referred to her as "shemale" in the presence of her father.¹³⁵ She attributes the stigma perpetuated by healthcare providers against *khawaja siras* to their confusion over and assumptions of *khawaja sira* sexuality and gender identity, and less to the weaponization of Islamic narratives.¹³⁶ She elaborated that it is near

¹³² "They were making fun of me and taunting me. They didn't even think I was human. I can answer back, I'm empowered enough to talk back to these people, but you must understand that most *khawaja siras* probably don't voice themselves. Sometimes they are just kicked out. It's so difficult for them. If they have some money maybe they can go see a private doctor, but for the ones who don't, they go to the public hospitals and this is the sort of thing that happens to them. This is a common behavior [of healthcare providers] towards *khawaja siras*. So even if they're very ill, they won't go." *Ibid.*

¹³³ "I went to a clinic once when I was engaged in sex work. I had tears in my anal cavity. I went to this doctor, he was the *maulvi* type, and told him my problem. He just told me to get out, saying I don't want to know what you people do or what you're bringing here from off the streets. I was really ashamed. I thought, what could he possibly be thinking about me, what is it that I'm doing here. I learned that I can't tell doctors if I have an STI issue. They know nothing about gender and sexuality. Some have lectured me openly, no privacy or confidentiality, about why I still have a penis, or telling me that I'm dirty and do dirty things." Participant C, *supra* 95.

¹³⁴ "A while ago I had tonsil issues and had an ulcer in my throat. I went to the doctor and the first question he asked me is if I'm sexually active. I was a little embarrassed because I didn't have an STI. It would be ok for him to ask that question if it was an STI, but this was about my tonsils. I was asked if I had ever done anything with another boy as a child. I wanted to know why I was being asked these questions. He said they needed that information for their records. I had no choice but to say yes. Then he told me that's why I am sick." Participant D, *supra* 96.

¹³⁵ "I had 2 surgeries, nothing related to my transition. Some of the nurses and doctors were laughing at me calling me 'shemale,' snickering to each other. My father was standing right there next me." *Ibid.*

¹³⁶ "The way they treat us has more to do with sex and their confusion regarding our gender identity. For them, everything we do has to do with sex. It also has to do with the way we look. They don't ask us if we're Muslim." *Ibid.*

impossible for anyone in Pakistan—not just *khawaja siras*—to receive dignified treatment for an STI at a hospital due to how taboo concepts of sex and sexuality are in the country.¹³⁷ She also now relies on health service providers referred by her NGO.

The accounts above (including participants' accounts of interactions with family members) illustrate how participants, to varying degrees, experienced feelings of shame as a result of internalizing and validating the stigmatization they were subjected to. The participants reported intense feelings of having done something wrong, self-deprecation, and isolation. Participant A reported that she blames herself for running away from her home and considers her situation to be her own fault.¹³⁸ She asserted that she has never felt ashamed because of her gender identity, however, and stated that "I'm God's creation. He made me the absolute right way."¹³⁹ Participant B offered a similar perspective but provided more detail about how intense her feelings of shame regarding her gender identity once were.¹⁴⁰ Participant D stated: "The mental trauma from society and from people around you is always there. It creates these ideas in my head about what I should be."¹⁴¹

Collectively, these accounts suggest the majority of participants' experiences of stigma and shame in school and university settings, formal work environments, and healthcare facilities are not causally linked to the weaponization of Islamic narratives. Instead, their experiences seem to

¹³⁷ "You cannot even think of going to the hospital if you have an STI or something like that. You will be mocked. There is already stigma associated with STIs. Sex alone is so taboo because we live in a Muslim country, and if you're having sex out of marriage it's *haraam*, and if you get an STI even while married that means you're doing it with someone else which is also *haraam*." *Ibid*.

¹³⁸ "I had a very privileged background. I blame myself for running away from all of it. Now I'm stuck in this swamp." Participant A, *supra* 93.

¹³⁹ *Ibid*.

¹⁴⁰ "Initially, I used to get angry and think, well, maybe I am doing something wrong. Maybe *khawaja siras* are doing something wrong. Hearing all this stuff from people can disturb a person. I used to get mad at myself. But you know, at the end of the day this is my gender and there's nothing I can do about it. God made me, gave me a gender, how can I be a mistake?" Participant B, *supra* 94.

¹⁴¹ Participant D, *supra* 96.

be predicated more on public recognition of their gender nonconformity and macrosystem, derogatory assumptions of *khawaja sira* identity, culture, and behavior. This was the same conclusion reached regarding their experiences of stigma and shame in the home. Generally, these experiences coincide with negative outcomes of participants' microsystem interactions, including expulsion from the home, discontinuation of education, exclusion from the formal work sector, and denial of health services. These negative outcomes are theoretically linked to the participants' inability to fully exercise their human capabilities. The next section will examine how the assumptions outlined—including ubiquitous sexual objectification, presumed criminality, and ascribed religious inferiority—above also gave rise to the participants' experiences of harm in the form of physical and sexual abuse by family, police, and religious and non-state actors.

Experiences of Harm

All participants reported physical abuse by their fathers and/or elder brothers inside the home. This was the most common experience of harm reported. As aforementioned, these experiences ultimately led both Participants A and B to leave their homes. Participant B clarified that it was actually her mother who encouraged her to leave out of fear that her father and brothers would kill her.¹⁴² Participant C stated she was sexually abused by her cousin at the age of 6 (she was the only one to report sexual abuse by a family member).¹⁴³ All participants reported they do not believe the weaponization of Islamic narratives contributed to their experiences of harm in the home, attributing the experiences more to accusations bringing shame to their families because of their gender expression.

¹⁴² “Initially, when I first ran away, it was because my mother encouraged me to because she feared my fathers and brothers might hurt me so bad they would kill me.” Participant B, *supra* 94.

¹⁴³ “My first time having sex was with my cousin when I was 6. He used to call me and tell me to come without my mother. He kept trying to abuse me. At the time I didn’t know what sex was, it was just love and romance to me. Maybe it’s because I have the soul of a woman.” Participant C, *supra* 95.

All participants reported general harassment and threats of physical or sexual harm in public spaces by both police and non-state actors, and all, save Participant A, reported that in childhood they were subjected to or witnessed sexual abuse by *maulvis* at private *madrasas*. Participant C offered an account of such abuse. She then elaborated upon how common same-sex relations are in places of worship and religious study in Pakistan and opined about how hypocritical those religious actors who publicly condemn homosexuality are.¹⁴⁴ She also offered accounts of explicit physical and sexual assault by strangers at a private wedding event and while waiting for public transportation to her university.¹⁴⁵ Participant D recounted that a group of men threatened her with physical and sexual assault when she was younger. She elaborated that the police who arrived at the scene then proceeded to blackmail her by threatening to report to her parents that she was “wearing makeup and tight clothes and walking around in public” unless she had sex with them. She reported that she was subsequently raped by these police officers inside of a hotel room.¹⁴⁶ Participant D explained that she feels these acts of violence were motivated by the sexual objectification and dehumanization of *khawaja siras* in Pakistani society and their ascribed

¹⁴⁴ “When I used to go to *madrasa*, the *maulvi* used to tell me to massage his ‘third leg.’ This was probably happening to other boys at the *madrasa*, too. You can’t even imagine how much sex is happening in these places. There are so many homosexuals in Islamic institutions, it’s very common here in Pakistan. So, Islam doesn’t matter whenever these people want to do things for themselves. If you’re a *maulvi* or religious scholar it’s ok, apparently. But if you’re anyone else you’re a *khusra* or *qaum lut*. One of my paid sex partners was a *maulvi* at a very famous mosque in Karachi. He wanted me to fuck him and he paid me a lot of money, so I did it.” *Ibid*.

¹⁴⁵ “I remember the bus stop I would have to wait at for the bus to university. People there would spit at me and sometimes there would be men who would try to hit me with their bikes. One time I went to perform at a wedding event for a family, a few hours outside of Karachi. I was forced to stand in the middle of these men and was told to dance. Then they started firing their pistols at me. I was so scared I passed urine. I wasn’t hit but they could have easily hit me. All those guys wanted to have sex with me. I remember one guy told me to start by sucking this guy, then this guy, and so on, and after I finish the first round to come back and do it again. It was really the worst night of my life. After this process they shut me in a bathroom, but I jumped out of the bathroom window and ran. I left my mobile, my shoes, my bag, I didn’t have anything on me.” *Ibid*.

¹⁴⁶ “Once when I was a kid I was with a friend on the mall road. We were wearing makeup and tight clothes. All these boys surrounded us. They said they were going to have sex with us, otherwise they were going to tear up our clothes, hit us, and take our mobile phones. I just called 15, and the police came because they were very close to us. They told us to get in their car and that we were safe. Then they said we should go to their hotel room. We had no option. They said they would call our families and tell them we were walking around like this. Then they raped us.” Participant D, *supra* 96.

religious inferiority, suggesting that these perceptions mutually reinforce each other.¹⁴⁷ Participant C reflected this sentiment.¹⁴⁸ Both participants explained that while they generally feel safe in most of Lahore, they do not feel absolutely safe in other parts of Pakistan.

Participant B recounted that she and other *khawaja siras* were brutally attacked and some raped at a private function by a gang of men who had been drinking. She explained that when she tried to report the incident to the police, they cursed at her and blamed her for inciting the violence because of how she was dressed.¹⁴⁹ She stated that Islamic narratives had no bearing on the men's decision to subject her to violence, instead attributing the violence to how intoxicated they were.¹⁵⁰ She provided a description of a vigilante group that did explicitly instrumentalize Islamic narratives to justify violence against *khawaja siras*. She reported that she had escaped from this group when they attempted to beat her and shave her head. She described the vigilantes as *maulvis* who "came from a very conservative religious background," and posited that their resentment of *khawaja siras* stems from the fact that a few of them may have *khawaja siras* in their own families.¹⁵¹

Participants A and B reported that they currently have working (yet fraught) relationships with local police due in part to their public visibility and rights advocacy in Lahore. Participant B reported that, despite this, she still faces harassment and persecution by officers at local police

¹⁴⁷ "It's motivated by the culture and the history we have. And then there is Islam. You can say that Islam is a part of the reason. If you combine all of these things you get a bigger picture. But yes, Islam is used; because we are considered sexual objects everything about us is considered *haraam*." *Ibid*.

¹⁴⁸ "It's motivated by both the culture and the religion." Participant C, *supra* 95.

¹⁴⁹ "We were at a function once and these men had been drinking. They were getting very aggressive and started beating us for some reason. It lasted all night. Some of us were raped that night. I think 10 people were raped. I escaped the rape, but they beat me very bad. They beat my body with sticks. They dragged me on the pavement. I was bleeding from my head and face. I will never forget that night. I went to the police station and they said 'Get the hell out you fucker! You people deserve this for the way you dress.'" Participant B, *supra* 94.

¹⁵⁰ "If this had anything to do with Islam, they wouldn't have been drinking. They were drunk and wanted to beat us because they could. That was the situation." *Ibid*.

¹⁵¹ "Islam doesn't preach violence. These people exploited Islam in this instance. Islam is a religion of peace, but also of convenience for people who want to use it in the wrong way." *Ibid*.

stations. Participant A, however, reported that she has never experienced violence or any kind of harm in public by local police officers or strangers and stated that she feels safe and very comfortable in Lahore and in Pakistan generally.¹⁵² Participant B asserted that “no one is totally safe here.”¹⁵³ Participants A and D stated they had not experienced persecution or harm on the grounds of their gender identity or expression within the last 12 months, while Participant B stated she was physically attacked by police officers 4 months prior to the date of the interview when she tried to offer bail for one *khawaja sira* who was falsely accused of stealing and arbitrarily detained.¹⁵⁴ Participant C stated that constant fear of persecution and threats of harm are “facts of life that most *khawaja siras* experience daily.”¹⁵⁵

VI. CONCLUSION

Collectively, the participants’ accounts point to strong causal links between derogatory macrosystem assumptions regarding *khawaja siras*—assumptions that reinforce and reproduce perceptions of their criminality, sexual objectification, dehumanization, and religious deviance and inferiority—and their experiences of stigma, shame, and harm. Acknowledging that the scope of this research is incredibly limited, some of the accounts do illustrate how these assumptions drive and enable the economic and social exclusion conventionally known to define the lived realities of *khawaja siras* in Pakistan. Furthermore, the information acquired from participants substantiates examples and patterns of this exclusion and marginalization and of experiences of self-perception

¹⁵² “I do feel safe. But all people are afraid sometimes. Anyone who can harm us can harm any other man or woman. So I don’t worry. I’m very comfortable here.” Participant A, *supra* 93.

¹⁵³ Participant B, *supra* 94.

¹⁵⁴ “There was one case in which a *khawaja sira* was begging at a traffic light and was accused of stealing someone’s cell phone. The case was totally falsified. They were trying to beat her into confession. I went to the police station to get her out on bail and the officers there started accusing me and *khawaja siras* in general of involvement in criminal activity and started beating me too.” *Ibid.*

¹⁵⁵ Participant C, *supra* 95.

of gender nonconformity and group-differentiated identity described by the literature presented in Chapter 4.

If the participants' experiences of difference, stigma, shame, and harm broadly substantiate conventional wisdom regarding the lived realities and economic and social exclusion of *khawaja siras* in Pakistan, then this research also suggests that Islamic narratives generally do not contribute to *khawaja siras*' experiences of stigma, shame, or harm in public or private. Instead, this research, supplemented by and interpreted in tandem with the analyses and literature presented in Chapter 4, demonstrates how these narratives are transmuted into veneers and modes of reproduction for heteronormative, colonial cultural mores that have come to undergird contemporary and discriminatory assumptions of *khawaja sira* identity, culture, and behavior. The research further suggests that Islamic narratives constitute an altogether separate aspect of the macrosystem prone to instrumentalization by predominantly religious and other non-state actors who parochially subscribe to these disparaging assumptions and who consequently condemn *khawaja sira* identity, culture, and presumed behavior as incompatible or forbidden within Islam. These assumptions give context to *khawaja siras*' experiences of stigma, shame, and harm in a variety of environments in Pakistan, and can be interpreted as the macrosystem factors that negatively influence the outcomes of their microsystem interactions. As shown above, these negative outcomes can include expulsion from the home, discontinuation of education, exclusion from the formal work sector, and denial of health services. The high prevalence of these outcomes indicates that *khawaja siras* are unable to fully exercise their human capabilities in Pakistan, which is theoretically correlated to the state's stalled economic development.

These causal links are only suggested, and this research is not purported to be definitive of what drives and enables the economic and social exclusion of all *khawaja siras* in Pakistan or to

be representative of all their experiences of difference, stigma, shame, and harm. While presenting and understanding how these dynamics interplay is core to its purpose, the thesis is also intended to demonstrate how experiences of difference, stigma, shame, and harm can be conceptually and practically adapted and applied as qualitative indicators to evaluate the extent of individuals' human capabilities. Accruing timebound data on these experiences can arguably facilitate their application as viable metrics to supplement some universally agreed upon indicators for the Sustainable Development Goals, particularly Goal 10 and its targets. This would allow for a more holistic understanding of what factors impede sustainable human and economic development.

This method of accruing qualitative data may appeal to civil society organizations seeking ways to holistically evaluate state commitments to implement the Sustainable Development Goals who may not be able to rely on the state to accrue data pertinent to the evaluation of Goal 10 and its targets. Such a method of qualitative data collection could potentially be utilized by organizations working to fill these data gaps. For this method to have any real utility, however, it must be fit for use by groups that have limited human and financial capacity while still being able to accrue viable qualitative data from large samples. Perhaps one way to increase this method's utility would be to omit questions soliciting information on subjective experiences of difference and shame from the interview guide. While this information is necessary to determine what factors give rise to experiences of stigma and harm, it is not necessarily pertinent to the evaluation of economic and social exclusion and human capabilities. The interview structure would also need to be much less open-ended in nature to facilitate the accrual of specific information regarding what factors contribute to experiences of stigma and harm in various environments for the purpose of establishing conclusive causal links between these factors and diminished human capabilities. There is also potential to adapt the interview guide into a more succinct questionnaire that can be

digitally disseminated (where permitted) to accommodate larger sample sizes. These are just some lessons learned for prospective adaptations and applications of this method in the future.

I would like to conclude by thanking the NGO staff who so graciously offered their time and resources to help me realize this thesis, and by humbly thanking the interview participants who contributed their life stories to my research. I would like to thank them especially for suffering me as they recounted incredibly painful and traumatic experiences. I hope this research is ultimately of some value to them as they stand at the frontlines of the fight for justice and equity in Pakistan.

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